CITY OF JOPLIN
CITY COUNCIL MEETING
MINUTES September 21, 2015

CALL TO ORDER
The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Michael Seibert.

INVOCATION - read by City Clerk Barbara Hogelin

PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA –led by Council Member Mr. Glaze.

ROLL CALL – Answering Roll Call were: Melodee Colbert-Kean; Morris Glaze; Miranda Lewis; Benjamin Rosenberg; William Scearce; Gary Shaw; Ryan Stanley and Mayor Michael Seibert. Also in attendance were City Manager Sam Anselm and City Attorney Peter Edwards.

Motion by Mr. Scearce, Second by Mr. Shaw to move Resolution 2015-018 up on the Agenda. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw, and Stanley 8. Nays: 0

RESOLUTION NO. 2015-018-A RESOLUTION recognizing the election of Senator Ron Richard of Joplin as the new Missouri Senate president in a vote by the Republican caucus of the Senate on Tuesday, September 15, 2015.

Mr. Scearce introduced Resolution No. 2015-018 - A Resolution recognizing the election of Senator Ron Richard of Joplin as the new Missouri Senate president in a vote by the Republican caucus of the Senate on Tuesday, September 15, 2015. Motion by Mr. Scearce Second by Mr. Shaw to Approve Resolution No. 2015-014. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. The Resolution was read as being **Resolution No. 2015-018**

PRESENTATIONS
Overview of the priority-based budget process by Jon Johnson and Chris Fabian.
Jon Johnson and Chris Fabian of Priority Based budgeting presented to Council an overview of the budgeting process from a traditional line-item budget to a more precise process that focuses on setting community goals and then prioritizing the programs and services our organization provides to the community to achieve those goals. They quoted "100 cities across the United States have successfully adopted this budget process, and if approved, Joplin will become the second in the state of Missouri to do the same (Branson just started the process as well)". The benefits of this process are that it is transparent, it engages both elected officials and the public, and results in a financially healthy community that is sustainable into the future.

FINALIZATION OF CONSENT AGENDA - There being no further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS

PUBLIC HEARINGS

CONSENT AGENDA
Minutes of the September 8, 2015 Council Meeting

COUNCIL BILL NO. 2015-265 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and including in District C-3 property as described below and located 300 feet west of the northwest corner of Zora Street and Range Line Road in the City of Joplin, Jasper County, Missouri. **Ordinance No. 2015-144**

COUNCIL BILL NO. 2015-266 -AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-2 and including in District C-3 property as described below and located at 711 South Rex Avenue in the City of Joplin, Jasper County, Missouri. **Ordinance No. 2015-145**

COUNCIL BILL NO. 2015-267 -AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 185 feet north of the intersection of 23rd Street and Maiden Lane in the City of Joplin, Jasper County, Missouri. **Ordinance No. 2015-146**

COUNCIL BILL NO. 2015-268 -AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at 8125 East 26th Street in Jasper County, Missouri. **Ordinance No. 2015-147**

COUNCIL BILL NO. 2015-269-AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and District R-3 and including in District C-1-PD property as described below and located 500 feet south of the intersection of 32nd Street and Oliver Avenue in the City of Joplin, Newton County, Missouri. **Ordinance No. 2015-148**

RESOLUTIONS

ORDINANCES - EMERGENCIES
Mr. Stanley introduced Council Bill No. 2015-155 – an ordinance approving an extension to the Solid Waste Collection Services for City of Joplin Facilities Agreement by and between the City of Joplin, Missouri, a Municipal Corporation, and Jordan Disposal, LLC which commenced on October 1, 2014 and was due to end on September 30, 2015; and enacting the six (6) months renewal option extending the contract to March 31, 2016; dealing generally with the collection, hauling and disposal of solid waste from specified city owned buildings and facilities; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

Motion by Mr. Stanley, Second by Mr. Shaw that Council Bill No. 2015-155 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0. The Council Bill was declared Adopted and entitled **Ordinance No. 2015-149**

Mr. Stanley introduced Council Bill No. 2015-156 - an ordinance authorizing the execution of an Agreement by and between the City of Joplin and Olsson Associates, to provide professional structural engineering and project management services for dismantling the building located at 301 Commercial Alley, not to Twenty Thousand Dollars and No/100 Dollars ($20,000.00) and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.
Motion by Mr. Stanley, Second by Mr. Shaw that Council Bill No. 2015-156 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0. The Council Bill was declared Adopted and entitled **Ordinance No. 2015-150**

Mrs. Lewis introduced Council Bill No. 2015-458 - an ordinance approving an Assistance Amendment by and between the U.S. Environmental Protection Agency (EPA), and the City of Joplin, Missouri, for a term commencing December 15, 2011 and running through December 13, 2018, for the amount of Five Hundred Thousand Dollars and no Cents ($500,000.00), to support soil testing and remediation activities associated with tornado response; and, authorizing the City Manager to execute the same by and on behalf of the City of Joplin, Missouri; and containing an emergency clause. Motion by Mrs. Lewis, Second by Mr. Stanley that Council Bill No. 2015-458 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0. The Council Bill was declared Adopted and entitled **Ordinance No. 2015-151**

Mrs. Lewis introduced Council Bill No. 2015-460 – an ordinance authorizing a Program Services Contract for WIC Local Agency Services, by and between the State of Missouri, Department of Health and Senior Services, and the City of Joplin, Missouri, and for the City of Joplin Health Department to receive additional funds for various program enhancement services, for up to Three Thousand, Three Hundred Forty-Seven Dollars, no Cents, ($3,347.00); amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014; and, authorizing the City Manager to execute the same by and on behalf of the City of Joplin, Missouri; and, containing an emergency clause. Motion by Mrs. Lewis, Second by Mr. Shaw that Council Bill No. 2015-460 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0. The Council Bill was declared Adopted and entitled **Ordinance No. 2015-152**

Mr. Stanley introduced Council Bill No. 2015-526 - an ordinance approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Parker Properties and Investments, LLC and/or Assigns, a Missouri limited liability company, for the sale of approximately 31,700 square feet of land at 20th and Wisconsin; and authorizing the City Manager to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.
Motion by Mr. Stanley, Second by Mr. Shaw that Council Bill No. 2015-526 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0. The Council Bill was declared Adopted and entitled **Ordinance No. 2015-153**

ORDINANCES – FIRST READING

Mr. Stanley introduced COUNCIL BILL NO.2015-621-an ordinance authorizing the City of Joplin to enter into an Agreement with the Center for Priority Based Budgeting for the purpose of providing professional consulting services; and authorizing the City Manager to execute said Agreement by and on behalf of the City of Joplin, Missouri. Motion by Mr. Stanley, Second by Mr. Shaw that Council Bill No. 2015-621 be Passed on First Reading and Advanced to Second and Third. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0.

ORDINANCES – SECOND AND THIRD READING

Dr. Rosenberg introduced Council Bill No. 2015-620 - an ordinance approving the applications of Historic Murphysburg's Preservation, Inc., for Murphysburg's Historic Home District Promotions; Carver Birthplace Association, for Carver Birthplace Promotions and 73rd Carver Day event, Wildcat Glades Conservation & Audubon Center, for Wildcat Glades Conservation & Audubon Center Promotions and Shoal Creek Water Festival & Wildcat Park Centennial; George A. Spiva Center for the Arts, for PhotoSpiva 2016, Active Lifestyle Events, for Joplin Memorial Marathon; Rufus Racing, LLC, for Summer Roundup Triathlon; Joplin Trails Coalition, for 2016 Cycling Events (Route 66 Tour and Maple Leaf Tour); Joplin History & Mineral Museum, for Joplin Founding Father's Day; Central Christian Center, for Joyful Hearts Conference; Joplin Disc Golf Club, for the 11th Annual Four States Open; 4-State Trucks/Chrome Shop Mafia, for Guilty By Association, Truck Show and Convoy, and MSSU Alumni Association, for Missouri Southern 2016 Homecoming for utilization of FY2016 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds. Motion by Dr. Rosenberg, Second by Mr. Glaze that Council Bill No. 2015-620 be Passed on Second Reading and Advanced to Third Reading and Passed. Voting in favor were Council Members: Glaze, Lewis, Rosenberg, Seibert and Stanley 5. Nays: 1, Scearce. Abstention: 2, Colbert-Kean, Shaw. **Ordinance No. 2015-154**

NEW BUSINESS:

Declare excess surplus property for the annual auction.

Motion by Mr. Shaw, Second by Dr. Rosenberg to accept the City's surplus property for the annual auction. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Scearce, Seibert, Shaw and Stanley 8. Nays: 0. Absent: 0.

Appointments/Reappointments to the Boards and Commissions –

Motion by Mr. Stanley, Second by Mrs. Lewis, to renew Michelle Cahill and David Sweeney to the Board of Health.

Council voted not to appoint at this time to the Capital Improvements & Public Safety Tax Oversight Committee

Motion by Mr. Stanley, to appoint Samuel to the Samuel Wimsett to the City Tree Board;

Motion by Mr. Stanley to make the following appointments to the Convention and Visitors Board; Eric Cerini- attractions; Glynn Knight, Bob Kluth – hotel; Eric Crosswhite- media, Jason Miller-restaurant; and renew Rob Lowrance-retail.

Motion by Mr. Scearce, Second by Dr. Rosenberg to renew Ellen Eastman to the Library Board;

Motion by Mr. Stanley to renew Christina Williams to the Solid Waste Advisory Commission.

Motion by Mr. Stanley to appoint Robert Schroer to the Traffic Commission.

News from the PIO
PIO Officer Lynn Onstot announced the guilty by Association Truck Show, convoy will be in town- downtown this weekend – for all the information and exactly what is going on you can visitjoplinmo.com. Planned is the largest convoy of trucks in the US on Saturday, September 26th.

JHAP is planning a seminar here at City Hall on October 3, 2015 in the 4th floor conference room.

Formal acceptance of Mike Woolston's resignation
City Attorney read a prepared statement before council took a formal vote of acceptance of Mike Woolston's resignation. City Attorney Edwards read, On August 21, 2015, a hearing was requested by Dr. Rosenberg as a result of the State Auditor's Report. This hearing request was based on information contained in the Report as well as the Lorraine Report. The purpose of the hearing was to see if any of the information contained in the reports along with other information rose to the level of ethical violations committed by Mr. Woolston. The purpose of the hearing was not to see if his conduct was illegal or unlawful.
Since the hearing was set, I began preparing the City's case against Mr. Woolston. Mr. Woolston hired two attorneys out of Kansas City to prepare his defense. We both worked very hard over the two weeks leading up to the hearing date. We identified as many as 20 witnesses, 50 exhibits, and hundreds of pages of documents relating to the case. This work stretched into the weekend before the Monday hearing date. On the weekend prior to the hearing, I communicated with council members regarding a settlement proposal made by Mr. Woolston through his attorneys. I frequently send confidential memos to the city council and communicate with them, answer questions and provide legal advice. I do not do this out in the open. I do this under a permitted exception to the Sunshine Law that closes confidential and privileged communications between the city and its attorney. In a case such as this one, providing council members information and a settlement proposal normally results in legal questions and me providing legal advice. In a typical situation, I will schedule a closed session to discuss a legal issue or litigation and hold these closed sessions after council meetings.
The issue for the Council was to accept the resignation and issue a joint statement. I took a vote of council to see if this offer was acceptable. The vote was important because Mr. Woolston's resignation eliminated the need for Monday's hearing and for both sides to incur additional expense, for witnesses to travel in or appear at the hearing.
With the benefit of hindsight, in addition to communicating with council, I should have called a meeting on Monday to hold a formal vote if everyone was available. But instead, I decided to formalize the vote at tonight's meeting.
As far as the process I followed, if people take issue with it, it falls solely on me and not the city council. I did what the situation dictated and in doing so not to avoid openness, but to deal with the situation at hand, on a day where City Hall was closed and on the eve of the hearing. Since last Monday, the City has handled several open records requests regarding the hearing and has released that information. The City's documentary evidence was released to two media outlets and has been posted to the City's website.
By comparison, if we had a jury trial in a civil case set for Monday, and a settlement offer had been received on the eve of trial, I would have done the same thing. But that is a somewhat different. This was a hearing centered on an issue with a lot of public interest, and I should have done a few things differently in consideration of this. Tonight gives Council the opportunity to weigh in on the issue publicly.

Dr. Rosenberg, Mr. Scearce, Ms. Colbert-Kean, Mr. Shaw, Mrs. Lewis, Mr. Stanley and Mayor Seibert made comments before the vote was taken.

Motion by Mr. Glaze, Second by Mr. Stanley, to accept the resignation and joint statement of Mr. Mike Woolston.

It was decided to accept applications for the vacated general council seat until Friday, October 2, 2015. Council will then review the applications and proceed further.
Motion by Mr. Stanley, Second by Mr. Glaze to accept applications. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Seibert, Shaw and Stanley 6. Nays: 2, Rosenberg, Scearce Absent: 0.

There being no further business the meeting adjourned at 8:30p.m.

Submitted,

Barbara L. Hogelin, MMC/MPCC, City Clerk