A C T I O N A G E N D A

October 17, 2011

6:00 P.M., Council Chambers

General Council Members	MAYOR	Zone Council Members
Mike Woolston	Mike Woolston	Gary Shaw
Morris Glaze		Melodee Colbert-Kean
Bill Scearce		(Mayor ProTem)
Jack Golden		Dr. Benjamin D. Rosenberg
Trisha A. Raney		Michael Seibert

1. Call to Order

Invocation – read by City Clerk Barbara Hogelin
Pledge of Allegiance – led by Scout Chandler Pattyson with Troop 333

2. Roll Call – Motion by Dr. Rosenberg, Second by Ms. Raney to excuse Ms. Colbert-Kean. Voting in favor were Council Members: Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0.

3. Presentations

1. A proclamation designating *November as Pancreatic Cancer Awareness Month* will be presented to Susan Cook of the Pancreatic Cancer Awareness Network. Susan Cook accepted the Proclamation on behalf Pancreatic Cancer Month.

2. Karen Schuler, Communications Director, for the Government Employees Health Association (GEHA) to make a presentation on their behalf. Richard Miles, President of GEHA presented a check to Council for $133,000 to the tornado relief fund from a members golf tournament played this past summer.

4. Finalization of Consent Agenda - There being no further business to come before the Council, the Consent Agenda was finalized.

5. Reports and Communications

6. Citizen Requests and Petitions

Anyone wishing to address the Council should step to the Podium and state their name and address. If the matter is not a Public Hearing, a request to speak to the Council should be prepared prior to the meeting. Speaking time will be limited to five minutes.

Sound enhancement units are available for hearing impaired customers. You will be asked to provide a form of identification as security, which will be returned when you return the unit.
If you are in need of disability related auxiliary aids or services, contact the City Clerks Office at (417) 624-0820 ext. 220. Forty-eight hours notice is requested.

Wayne Adolphsen, PMB #400, Box 1446, Joplin, MO, requests to address Council regarding Council Bill No. 2011-170. – Wayne Adolphsen addressed Council concerning the operations of Mizzou avaiation.

7. Public Hearings

8. **Consent Agenda** - Motion by Mr. Shaw, Second by Mr. Golden, to Approve the Consent Agenda. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

Minutes of the October 3, 2011 Council Meeting

1. COUNCIL BILL NO. 2011-269 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 including in District R-2 property as described below and located at 1502 East 16th Street in the City of Joplin, Jasper County, Missouri. Motion by Dr. Rosenberg, Second by Mr. Scearce, to Place Council Bill No.2011-269 on First Reading and Advance to Second Reading. ORDINANCE. NO. 2011-117

2. COUNCIL BILL NO. 2011-270-AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located along the south outer road west of the intersection of 32nd Street and Reinmiller Road, in Newton County, Missouri. Motion by Ms. Colbert-Kean, Second by Mr. Shaw, to Place Council Bill No.2011-270 on First Reading and Advance to Second Reading. ORDINANCE. NO. 2011-118

3. COUNCIL BILL NO. 2011-271-AN ORDINANCE providing for the vacation of a portion of 25th Street from the east right-of-way line of Connor Avenue east 124.75 feet to the east right-of-way line of 25th Street, in the City of Joplin, Jasper County, Missouri. ORDINANCE. NO. 2011-119

4. COUNCIL BILL NO. 2011-275- AN ORDINANCE requesting to Review the Final Plat of C. D. VEGAS L.L.C. located on the southwest corner of 21st Street and Iron Gates Road in the City of Joplin, Jasper County, Missouri. ORDINANCE. NO. 2011-120

9. Resolutions

1. RESOLUTION NO. 2011-013 - A RESOLUTION supporting efforts towards applying for funding of $20.1 million from the U.S. Department of Transportation for the 2011 Transportation Investment Generating Economic Recovery (TIGER) funding. Motion by Mr. Shaw, Second by Mr. Golden to Approve Resolution No. 2011-013. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

2. RESOLUTION NO. 2011-014 - A RESOLUTION expressing desire to participate as part of a coalition for Missouri Department of Natural Resources (MDNR) application to the Environmental Protection Agency for the FY12 Brownfields Assessment Grant. Motion by Dr. Rosenberg, Second by Mr. Scearce to Approve Resolution No. 2011-014. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

10. Ordinances – Emergency

1.COUNCIL BILL NO. 2011-032 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Earl P. Mahaffey II and Debbie A. Mahaffey, for the purchase of real estate located at 2426 S. Porter; 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. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2011-032. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-121

2. COUNCIL BILL NO. 2011-033 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Beth M. Hunt, a single person, for the purchase of real estate located at 2422 S. Porter; 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. Scearce, Second by Mr. Ms. Raney to Adopt Council Bill No. 2011-033. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-122

3. COUNCIL BILL NO. 2011-034 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Mary Ann Leysen, a single person, for the purchase of real estate located at 2420 S. Porter; 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. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2011-034. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-123

4. COUNCIL BILL NO. 2011-035 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Brandon Davis and Ashley N. Carter Davis, Husband and Wife, for the purchase of real estate located at 2423 S. Porter; 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. Seibert, Second by Mr. Glaze to Adopt Council Bill No. 2011-035. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-124

5. COUNCIL BILL NO. 2011-036 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Ronnie G. Metcalf, a single person, for the purchase of real estate located at 2427 S. Porter; 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. Seibert, Second by Mr. Glaze to Adopt Council Bill No. 2011-036. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-125

6. COUNCIL BILL NO. 2011-037 - AN ORDINANCE approving the Real Estate Contract by and between the City of Joplin, Missouri, a Municipal Corporation, and Delores E. Comfort, a single person, for the purchase of real estate located at 2431 S. Porter; 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. Seibert, Second by Mr. Golden to Adopt Council Bill No. 2011-037. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-126

7. COUNCIL BILL NO. 2011-039 - AN ORDINANCE amending Article III., Building Code, of Chapter 26, Buildings and Building Regulations, of the Joplin City Code by amending Section 26-76, Soil testing for lead prior to building permit issuance in designated areas., dealing generally with requiring lead and cadmium soil testing prior to rebuilding in areas previously known to contain lead contamination, and in areas affected by the May 22, 2011 tornado; and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2011-039. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-127

8. COUNCIL BILL NO. 2011-166 - AN ORDINANCE approving the purchase of right of way from property at 1916 Harlem Avenue, consisting of part of Lot Numbered 12 in Clark's Addition to the City of Joplin, Jasper County, Missouri; and authorizing the payment of One Thousand Seven Hundred and 00/100 dollars ($1,700.00) and containing an emergency clause. Motion by Mr. Seibert, Second by Mr. Golden to Adopt Council Bill No. 2011-166. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-128

9. COUNCIL BILL NO. 2011-167 - AN ORDINANCE approving the purchase of right of way from property at 1902 Harlem Avenue, consisting of part of Lot Numbered 16 in Clark's Addition to the City of Joplin, Jasper County, Missouri; and authorizing the payment of Three Thousand and 00/100 dollars ($3,000.00) and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Seibert to Adopt Council Bill No. 2011-167. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-129

10. COUNCIL BILL NO. 2011-168 - AN ORDINANCE approving the contract between the City of Joplin, Missouri and Midwest Transit Equipment in the amount of One Hundred Eight Thousand Sixty-Eight Dollars ($108,068) for the purchase of (2) two 23 foot cutaway vehicles per the specifications of Bid #2011-21; and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2011-168. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-130

11.COUNCIL BILL NO. 2011-169 - AN ORDINANCE approving a new Fixed Base Operator (FBO) Agreement between the City of Joplin and RLS Rental Company Inc. d/b/a Mizzou Aviation for their fixed based operation at the Joplin Regional Airport, that the Director of Public Works is authorized to enter into this Agreement on behalf of the City; and containing an emergency clause. Motion by Mr. Glaze, Second by Mr. Seibert to Table Council Bill No. 2011-169. Voting in favor were Council Members: Glaze, Seibert, Shaw, and Woolston, 4. Nays: 4, Golden, Raney Rosenberg, and Scearce. Absent: 1, Colbert-Kean. Motion Failed.

Motion by Golden, Second by Mr. Shaw to Adopt Council Bill No. 2011-169. Voting in favor were Council Members: Golden, Raney, Rosenberg, Scearce, Seibert, and Shaw 6. Nays: 2, Glaze, Woolston. Absent: 1, Colbert-Kean. Ordinance No. 2011-131

12. COUNCIL BILL NO. 2011-170- AN ORDINANCE approving a new Fixed Base Operator (FBO) Agreement between the City of Joplin and Alpha Air Center, LLC for their fixed based operation at the Joplin Regional Airport, that the Director of Public Works is authorized to enter into this Agreement on behalf of the City; and containing an emergency clause. Motion by Mr. Scearce, Second by Ms. Raney to Adopt Council Bill No. 2011-170. Voting in favor were Council Members: Golden, Raney, Rosenberg, Scearce, and Shaw, 5. Nays: Glaze, Seibert, Woolston, 3. Absent: 1, Colbert-Kean. Motion failed under Emergency passed on First Reading.

13. COUNCIL BILL NO. 2011-171 - AN ORDINANCE approving an agreement with the City of Duquesne for the Debris Removal Tornado Area Project to have its tornado related debris removed from its incorporated area under the terms, covenants and conditions of this agreement; providing how the cost shall be made and levied, and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Shaw to Amend the Addendum to the Midland Contract and the Section referencing the City of Duquesne in the Council Bill No. 2011-171 be stricken. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

Motion by Mr. Shaw, Second by Mr. Golden to Adopt Amended Council Bill No. 2011-171. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-132

14. COUNCIL BILL NO. 2011-172 - AN ORDINANCE approving two Agreements between the City of Joplin, Missouri, and the Harry S. Truman Community Development Corporation (HSTCDC) generally pertaining to HOME Housing Acquisition and Rehabilitation and New Construction funds; authorizing the City Manager to execute same on behalf of the City, and containing an emergency clause. Motion by Mr. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2011-172. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-133

15. COUNCIL BILL NO. 2011-173- AN ORDINANCE approving a reimbursement agreement with the City of Duquesne for the Debris Removal Tornado Area Project to have its tornado related debris removed from its incorporated area under the terms, covenants and conditions of this agreement; providing how the cost shall be made and levied, and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2011-173. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-134

16. COUNCIL BILL NO. 2011-502 - AN ORDINANCE amending the Annual Budget of the city of Joplin for the Fiscal Year 2010-2011 as adopted by Ordinance 2010-163 on October 18, 2010, to adjust appropriations and estimated revenues in various funds and containing an emergency clause. Motion by Mr. Golden, Second by Mr. Shaw to Adopt Council Bill No. 2011-502. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-135

17. COUNCIL BILL NO. 2011-503 - AN ORDINANCE providing for the Budget of the City of Joplin for the period from November 1, 2011 to October 31, 2012, estimating the revenues for said period and appropriating for the purposes stated the sums set forth therein; and containing an emergency clause. Motion by Mr. Seibert, Second by Mr. Shaw to Adopt Council Bill No. 2011-503. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean. Ordinance No. 2011-136

11. Ordinances – First Reading

1. COUNCIL BILL NO. 2011-038 - AN ORDINANCE enacting a new Section 10-18, Sale or serving of intoxicating liquor – beer, wine, and malt beverages on City property., in Chapter 10, Alcoholic Beverages; amending Section 86-38, Intoxicating liquor prohibited – exceptions.; and, amending Section 86-132, Sale or serving of intoxicating liquor – beer, wine, and malt beverages., in Chapter 86, Parks And Recreation; dealing generally with the regulation of temporary alcohol licenses. Motion by Dr. Rosenberg, Second by Mr. Golden to pass Council Bill No. 2011-038 on First Reading and Advance to Second and Third Reading. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Seibert, Shaw, and Woolston, 7. Nays: 1, Scearce. Absent: 1, Colbert-Kean.

Motion by Mr. Seibert, Second by Mr. Golden to Place Council Bill No. 2011-278 on the Agenda. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

2.COUNCIL BILL NO. 2011-278 – 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, C-O, C-1-PD, and C-3 and including in District C-3 property as described below and located bordered to the north of Interstate 44, to the east by Indiana Avenue, to the south by 50th Street and an area of land approximately 620 feet south of 50th Street, and to the west by South Main Street (Route 86) in the City of Joplin, Jasper County, Missouri. Motion by Mr. Seibert, Second by Mr. Scearce to pass Council Bill No. 2011-278 on First Reading and Advance to Second and Third Reading. This Council Bill will be a Public Hearing at the November 7, 2011 council meeting. Voting in favor were Council Members: Golden, Glaze, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 8. Nays: 0. Absent: 1, Colbert-Kean.

12. Ordinances – Second Reading and Third Reading

1. COUNCIL BILL NO. 2011-272-AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District M-1 property as described below and located at 2001 West 20th Street in the City of Joplin, Jasper County, Missouri. Motion by Dr. Rosenberg, Second by Mr. Scearce to pass Council Bill No. 2011-272 on Second Reading and Advance Third Reading and Pass. Voting in favor were Council Members: Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 7. Nays: 0. Absent: 1, Colbert-Kean. Abstention: 1, Glaze. Ordinance No. 2011-137

2. COUNCIL BILL NO. 2011-273-AN ORDINANCE providing for the vacation of a portion of 25th Street from Willard Avenue west to the alley in Bartlett's Addition, in the City of Joplin, Jasper County, Missouri. Motion by Dr. Rosenberg, Second by Mr. Scearce to pass Council Bill No. 2011-273 on Second Reading and Advance Third Reading and Pass. Voting in favor were Council Members: Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston, 7. Nays: 1, Raney. Absent: 1, Colbert-Kean. Ordinance No. 2011-138

13. Unfinished Business

1. The following Council was placed on First Reading at the August 1, 2011 City Council Meeting: COUNCIL BILL NO. 2011-024 - AN ORDINANCE amending Sec 26-67 of Chapter 26, Buildings and Building Regulations, Article III., Building Code, Sec. 26-67., Amendments to the International Residential Code., for the purpose of making certain changes to address issues related to the May 22, 2011 tornado. According to State Statute this Council Bill No. 2011-024 will remain on the Agenda for a 90-day waiting period. The council requires no action.

14. New Business

1. Vote to go into closed session, which shall pertain to legal action, causes of action, or litigation including a public governmental body and any confidential or privileged communications between a governmental body or its representatives and its attorneys as set forth in Section 610.021(1) RSMo, as amended, 2010. This meeting, record, and vote to be closed to the extent provided by law. The City Council shall adjourn at the end of the session. Motion by Mr. Glaze, Second by Mr. Seibert to go into closed session. Voting in favor were Council Members: Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston, 7. Nays: 1, Scearce. Absent: 1, Colbert-Kean.

There being no further business to come before the Council, the meeting was adjourned at 7:50 p.m.

Approved,

Barbara L. Hogelin, MMC/MPCC