

JOURNAL OF THE CITY COUNCIL

Regular Session – February 28, 2007

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Jeff Newton	Councilmember
Tim Crist	Councilmember
Jill McCord	Councilmember
John Slavin	Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Steve Bell	Community Services Director
John Buckwalter	Public Works Director
Jim Hughes	Police Chief
Pat Meredith	Human Resources Director

ABSENT: Dale Blesz	Councilmember
Howard Hickman	City Attorney

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, February 28, 2007, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

Reverend Aaron Rodgerson, of the Southside Baptist Church, gave the Invocation. Boy Scout Troop 404 led the Pledge of Allegiance.

MINUTES

Councilmember Crist moved to approve the minutes of the regular session of February 7, 2007; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

ORDER OF AGENDA

City Manager Macomber pointed out the new format of the Council agenda, designed by the City Clerk, that provides a step-by-step order of the agenda. Councilmember Newton moved to approve the order of the agenda; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

None.

ACTION PRESENTATIONS

BILL NO. 2007-08

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING BUSINESSES, OCCUPATIONS, PROFESSIONS OR SERVICES.

Councilmember Crist moved to adopt Bill No. 2007-08 on first reading; seconded by Councilmember Newton.

City Manager Macomber explained this Ordinance provides for clarity of good moral character. The City Attorney looked at what other cities were using, and the wording of this ordinance is consistent with other cities. Previously an individual could not hold a business license in their name if they had been convicted of a felony within the past ten years; this has been changed to five years. Also wording to comply with city fire codes at a business location was added.

Jared Emergy, Greentop, owner of Dyed Hyde Tattoo, approached the Council that he has his business license in his sister's name since he had a conviction 12 years ago. This Ordinance will allow him to have his business license in his name.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

BILL NO. 2007-09

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING ALCOHOLIC BEVERAGES.

Councilmember Crist moved to adopt Bill No. 2007-09 on first reading; seconded by Councilmember McCord.

Mari Macomber reported there is a State Statute that no liquor license is to be issued within 100 feet of a school or church, unless granted by the City Council. This Ordinance would allow the City Manager to approve temporary licenses for special events that would occur in that proximity.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

Red Barn Arts and Crafts Festival Street Closure

Councilmember McCord moved to approve the closure of certain streets for the Red Barn Arts and Crafts Festival on October 13, 2007; seconded by Councilmember Crist.

Police Chief Hughes reported he had talked to Bryan Collier and he is agreeable with the use of two rows of the Cinema 8 parking lot for this event

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

St. Patrick's Day Parade Street Closure

Councilmember Newton moved to approve the closure of certain streets for the St. Patrick's Day parade on March 17; seconded by Councilmember Crist.

Police Chief Hughes reported this is the first year for a request to use Elson Street, northbound from McPherson to Missouri, starting at the Dukum and ending at Too Tall's, for a St. Patrick's Day parade.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

Police Car Bid

Councilmember Crist moved to approve the purchase of three 2007 police vehicles from Jim Robertson Chevrolet; seconded by Councilmember Newton.

Police Chief Hughes explained the purchase price of \$48,113 includes the trade in of two old vehicles.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one

Traffic Paint Bid

Councilmember Newton moved to approve the purchase of traffic paint from Sherwin Williams of Ottumwa, Iowa; seconded by Councilmember Crist.

Public Works Director John Buckwalter reported there were three bids received, and the lowest at \$8,811.15.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – non; absent - one.

Revised Employee Handbook

Councilmember Crist moved to approve a revised Employee Handbook; seconded by Councilmember McCord.

Pat Meredith reported the revisions were made to keep the Handbook up to date with changes made in the past several months.

The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

Committee/Board Appointments

City Manager Macomber recommended appointments:

- Housing Authority Board recommended Ed Carpenter to fill the current vacancy;
- Appoint Mari Macomber to the Highway 63 Transportation Corporation and one vacancy yet to be filled;
- Appoint Kris McKim to serve as the city’s representative on KREDI.

Councilmember Newton moved to approve the appointments as recommended; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

Second Reading

BILL NO. 2007-08

ORDINANCE NO. 11788

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING BUSINESSES, OCCUPATIONS, PROFESSIONS OR SERVICES.

WHEREAS, the City has need for clarification in the ordinance as to the interpretation of "good moral character" for the purpose of issuing a business license; and

WHEREAS, the City would like to include wording about the necessity of compliance with fire code inspections as pertaining to issuance of a business license.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, that the following sections be amended as highlighted and deleted as struck through:

Sec. 14-16. Definitions.

***Deceptive practices.* The misleading of others through intentional false statements or fraudulent actions.**

Sec. 14-28. Qualifications of applicants generally.

(1)(a) All convictions, the reason therefore and the demeanor of the applicant subsequent to his **the applicant's release. Any prior misdemeanor or felony conviction within five (5) years of the date of the application involving the offense of theft, stealing, fraud or deceptive practices, or involving an offense relating to the conduct of the business or occupation for which the license is sought.**

~~(1)(c) Such other facts relevant to the general personal history of the applicant as he shall find necessary to a fair determination of the eligibility of the applicant.~~

(4) *Compliance with fire code inspections.* The premises of the business will be in compliance with city fire code prior to opening of the business.

Sec. 14-29. Issuance procedure generally.

(c)(1) The disclosure of such information concerning the applicant's demeanor and conduct in the operation of applicant's business during the preceding licensing period ~~as reasonably necessary to the determination by the city clerk of in order to determine~~ the applicant's eligibility for a renewal license ~~and to the possible adjustment of the license fee.~~ **This determination is subject to the same criteria as set in Section 14-28(1).**

(c)(3) That no renewal application will be considered or license issued thereon unless there has been compliance with the city fire code as determined by the city fire chief.

Sec. 14-32. Duties of licensee generally.

(a)(5) Allow fire inspections at the licensed premises of the business and maintain compliance with city fire code at licensed premises; noncompliance with city fire code at licensed premises may subject the licensee to possible revocation of the applicable business license.

BILL NO. 2007-09

ORDINANCE NO. 11789

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING ALCOHOLIC BEVERAGES.

WHEREAS, the State of Missouri allows for exceptions to be granted by the City Council for licenses issued for the sale of intoxicating liquor within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship;

WHEREAS, the City of Kirksville follows the provisions of the Missouri State Statutes in regards to alcoholic beverages; and

WHEREAS, the City of Kirksville Code of Ordinances needs to be amended to allow for the City Manager to act on behalf of the City Council in granting of temporary licenses for the sale of intoxicating liquor within the one hundred (100) feet proximity of any school, church or other building regularly used as a place of worship.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, that the following sections be amended as highlighted:

Sec. 4-29. Issuance.

(c) Provided however, in the case of applications for temporary licenses as provided in sections 4-59, 4-60 and 4-64 under this article, upon receipt of the report of investigation the city manager shall consider the application and may approve application, in which case the application shall be referred to the city collector who shall issue the temporary license applied for and approved. The city manager shall cause a monthly accounting of all such temporary licenses applied for and approved to be prepared and submitted to the city council. ***As provided in section 4-32(d), the city manager has the authority granted by the city council to approve a temporary license be issued for an event that occurs within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship.***

Sec. 4-32. Proximity.

(d) The city council of the city of Kirksville shall designate the Kirksville city manager to act on their behalf in giving consent for the issuance of a temporary license to a licensed caterer for the sale of intoxicating liquor on premises located within one hundred (100) feet of a school, church or other building regularly used as a place of religious worship. The city manager shall not give consent for the temporary license until at least ten days' written notice has been provided by the applicant to all owners of property within one hundred (100) feet of the proposed licensed premises. State law reference: 311.080(1)

Sec. 4-59. Same—Intoxicating liquor and nonintoxicating beer.

(f) Sec. 4-32(d) does not pertain to this section.

Sec. 4-64. Temporary location for liquor by the drink; caterer's license.

(c) Sec. 4-32(d) governs the granting of temporary licenses, where applicable, under this section.

21

Councilmember Crist moved to adopt Bill No. 2007-08 and Bill No. 2007-09 on second reading; seconded by Councilmember Newton. The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays - none.

Council Comments

None

ADJOURNMENT

There being no further business to come before the Council, Councilmember Crist moved to adjourn; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe - aye; Councilmembers: Newton - aye; Crist - aye; McCord - aye; Blesz - absent. Nays – none; absent - one.

Mayor Rowe adjourned the meeting at 5:55 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk