

JOURNAL OF THE CITY COUNCIL

Regular Session – April 17, 2007

COUNCIL & STAFF PRESENT:

Jeff Newton	Mayor
Martha Rowe	Councilmember
Jill McCord	Councilmember
Tom Mayer	Councilmember
Aaron Rodgerson	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Paul Frazier	Code Administrator
Jim Hughes	Police Chief
Kris McKim	Assistant City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Tuesday, April 17, 2007, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

A Layperson from the First Baptist Church, gave the Invocation. Mayor Newton led the Pledge of Allegiance.

MINUTES

Councilmember McCord moved to approve the minutes of the regular session of March 19, 2007; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

ORDER OF AGENDA

City Manager Macomber asked the Council to add an agenda item to committee/board appointments – Consider appointing Wayne Blackman to the Highway 63 Transportation Corporation, replacing Bob Henselman who is retiring.

Councilmember Rowe moved to approve the order of the agenda, as amended; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

INFORMATION PRESENTATION

Mayor Newton read and presented Proclamations recognizing the Kirksville R-III wrestling team, the Tiger Boys basketball team and the Lady Tigers basketball team for their recent championship winnings.

CITIZEN PARTICIPATION

None.

ACTION PRESENTATIONS

BILL NO. 2007-20

AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON A PORTION OF REAL ESTATE DESCRIBED AS 3209 NORTH LINCOLN STREET, TO BE USED FOR FARM MACHINERY SALES.

Councilmember Rowe moved to adopt Bill No. 2007-20 on first reading; seconded by Councilmember McCord.

Paul Frazier, Code Administrator, explained the request is for a retail sales to allow a student in FFA to sell used farm equipment, as a FFA project. The location is in a single family residential zone. The request has been reviewed, supported and recommended by the Planning and Zoning Commission. Mr. Frazier further explained the conditions of the ordinance are until July 1, 2010 when the student graduates.

Councilmember Rodgerson moved, and Councilmember McCord seconded, to amend the ordinance to include the wording in paragraph f - at the end of the sentence – “, or at such time he is no longer a member of the Future Farmers of America”. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

The motion to adopt Bill No. 2007-20, as amended, carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

BILL NO. 2007-21

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI VACATING THE NORTH-SOUTH ALLEY IN BLOCK 44, ORIGINAL TOWN, CITY OF KIRKSVILLE

Councilmember McCord moved to adopt Bill No. 2007-21 on first reading; seconded by Councilmember Rowe.

John Buckwalter, Public Works Director, described the alley as being behind the former fire station, between Franklin and Marion Streets from Fillmore to Normal. The current owner, Truman State University, has petitioned the city to vacate the alley so they can move along on their plans for this property. Mr. Buckwalter explained there are utilities in the right-of-way, and a permanent easement in favor of the city should be required as a condition of the vacation.

Dave Rector of TSU reported they plan to put in a visitor’s parking area, and locate a museum in the building also serving as a visitor’s area.

The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

Bid - Trucks

Councilmember Rowe moved to authorize the City Manager to purchase three trucks from Lovegreen Ford for a cost of \$99,662.65; seconded by Councilmember Mayer.

John Buckwalter reported that two trucks will go to Utility Maintenance, and one will go to the Street Department.

The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

Bid – Trackhoe

Councilmember Rowe moved to authorize the City Manager to purchase a 2007 tracked excavator from Crown Power for a cost of \$86,740; seconded by Councilmember Rodgerson.

John Buckwalter reported that four bids were received, with one not meeting specifications.

The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

Forest Lake Use

Councilmember Rowe moved to approve a request for a Buddy Bass Kids fishing tournament use of Forest Lake on May 12; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

Committee/Board Appointments

Councilmember Rodgerson moved to appoint Tim Crist to the Airport & Transportation Corporation to fill an unexpired term of August 2007, replacing Greg Hunt; and appoint Wayne Blackman to the Highway 63 Transportation Corporation for an unexpired term of April 2008, replacing Bob Henselman. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

Second Reading

BILL NO. 2007-20

ORDINANCE NO. 11798

AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON A PORTION OF REAL ESTATE DESCRIBED AS 3209 NORTH LINCOLN STREET, TO BE USED FOR FARM MACHINERY SALES.

WHEREAS, Billy J. Newland and Cheyrl Newland, the owners of the real estate, herein listed, has filed a petition requesting a Special Use Permit as provided by Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri. The land covered by said request is as follows, to-wit: 3209 North Lincoln Street.

Part of the Northeast Fourth (NE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-Three (33), Township Sixty-three (63), Range Fifteen (15), described as: Commencing 611 feet of East of the Northwest corner of the Northeast Fourth (NE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-three (33), Township Sixty-three (63), Range Fifteen (15), thence East 709 feet to the Northeast corner of the said Northeast Fourth (NE ¼) of the Northeast Quarter (NE ¼), thence South 490 feet, thence West 709 feet, thence North 490 feet to the beginning.

WHEREAS, said petition requests the right to use said property for use and occupancy as farm machinery sales, with the following conditions and understanding:

- a. The permit is granted until July 1, 2010 duration.
- b. The permit be granted for Charles Newland son of Billy J. Newland and Cheyrl Newland to be used for farm machinery sales, as long as he is an active Future Farmers of America member.
- c. The size of the equipment sales area be described in length and width and shown on the site plan (125' x 200').
- d. Equipment sales shall be confined to this designated area (c. above).
- e. Sales and driveway areas should be allowed to be covered with gravel.

- f. That all machinery sales equipment be removed from the land by July 1, 2010, or at such time he is no longer a member of the Future Farmers of America.

WHEREAS, the Planning and Zoning Commission of the City of Kirksville, Missouri, approved said request at its meeting of April 11, 2007.

WHEREAS, the Planning and Zoning Commission agreed to recommend that the City Council approve said request.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kirksville, Missouri that a special use permit is hereby issued to Billy J. Newland and Cheyrl Newland for Charles Newland to use the above described property for the use and occupancy as farm machinery sales.

BILL NO. 2007-21

ORDINANCE NO. 11799

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI VACATING THE NORTH-SOUTH ALLEY IN BLOCK 44, ORIGINAL TOWN, CITY OF KIRKSVILLE

WHEREAS, the adjoining property owner has requested the vacation of the following alley:

All of an 18 foot wide north-south alley between Franklin Street and Marion Street from Fillmore Street on the north, south to the to the north right of way line of Normal Avenue, all in Block 44 of the Original Town of the City of Kirksville.

WHEREAS, the vacation of said alley would not be detrimental to the best interests of the citizens of the City of Kirksville, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KIRKSVILLE, MISSOURI AS FOLLOWS:

Section 1. The alley described above are hereby vacated.

Section 2. The City of Kirksville, Missouri hereby retains easements over, along, across and upon said alley for maintenance, repair, improvement, construction, reconstruction, replacement or relocation of all manner of public utilities, whether by the City, its agents or contractors, or franchisees. The easement retained herein shall be free from any and all buildings, structures or other obstructions.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage.

Councilmember Rodgerson moved to adopt Bill No. 2007-20 and 2007-21 on second reading; seconded by Councilmember Mayer. The motion carried by the following vote: Mayor Newton - aye; Councilmembers: Mayer - aye; McCord - aye; Rodgerson – aye; Rowe - aye. Nays – none.

ADJOURNMENT

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

Mayor Newton adjourned the meeting at 6:30 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk