

# JOURNAL OF THE CITY COUNCIL

Regular Session – August 7, 2007

## COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor Pro Tem
Tom Mayer	Council Member
Jill McCord	Council Member
Aaron Rodgerson	Council Member
Howard Hickman	City Attorney
Kris McKim	Assistant City Manager
Sarah Halstead	Deputy City Clerk
Jim Hughes	Police Chief
Brad Selby	Code Administrator
Paul Frazier	Code Administrator
John Buckwalter	Public Works Director
Pat Meredith	Human Resources Director

## Absent:

Jeff Newton	Mayor
Mari Macomber	City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Tuesday, August 7, 2007, at 5:30 p.m. in the City Hall Council Chambers.

## **INVOCATION/PLEDGE**

Council Member (Reverend) Aaron Rodgerson gave the Invocation.  
The Mayor Pro Tem and City Council led the Pledge of Allegiance.

## **MINUTES**

Council Member McCord moved to approve the minutes of the regular session of July 17, 2007; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

## **ORDER OF AGENDA**

Council Member McCord moved to approve the agenda, as distributed; seconded by Council Member Rodgerson. The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

## **INFORMATION PRESENTATION**

Mayor Pro Tem Rowe read and presented a Proclamation recognizing the Adair County Chapter of the American Red Cross for their 90<sup>th</sup> anniversary.

Joyce Lara, Department of Health & Senior Services, State of Missouri, presented to the Council an information packet of some positive state and national responses to the City's smoking ordinance. She thanked the City Council for their efforts and for protecting the citizens of Kirksville.

Council Member McCord asked for information regarding the ordinance passed in Chillicothe, Missouri, and Ms. Lara stated that Chillicothe's ordinance did not have as good of clarification in terms of definitions as Kirksville's. However, they could make some amendments in terms of clarification since it does not go into effect until January 2008.

**CITIZEN PARTICIPATION**

Harley Stage, 2511 Sawgrass: Mr. Stage voiced concerns about whether or not his address was on the City of Kirksville street maps due to an E-911 issue. He wanted to know how long it takes before the utilities and emergency services learn where a new house is built. Jim Hughes, Police Chief, stated he would follow up with Mr. Stage. Mr. Stage also asked who handles the trash services and stated that he had a problem with trash service. Brad Selby, Code Administrator, will follow up with Mr. Stage on any trash issues.

Old Business—None.

**ACTION PRESENTATIONS**

**BILL NO. 2007-31** **[Resolution No. R8-7-550]**  
**A RESOLUTION RECOGNIZING ELLEN WOOD, ACCOUNTING CLERK, UPON HER RETIREMENT FOR 18 YEARS AND 8 MONTHS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, the City of Kirksville is desirous of recognizing long-term employees, and

WHEREAS, **Ellen** has worked for the City of Kirksville Finance Department since September 26, 1988, and

WHEREAS, **Ellen** has significantly contributed to and assisted in various departmental functions of the city government; and

WHEREAS, **Ellen's** performance of her duties and responsibilities, and her working relationships were always characterized by an obvious dedication to a job; and

WHEREAS, **Ellen** retired on June 8, 2007, after serving the City of Kirksville and its citizens for 18 years and 8 months.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to **Ellen Wood** for her years of service, and the Council expresses best wishes for much success and happiness in the future.

**BILL NO. 2007-32** **[Resolution No. R8-7-551]**  
**A RESOLUTION RECOGNIZING JIM HAMILTON, CODES INSPECTOR II, UPON HIS RETIREMENT FOR 11 YEARS AND 6 MONTHS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, the City of Kirksville is desirous of recognizing long-term employees, and

WHEREAS, **Jim** has worked for the City of Kirksville Codes Department since February 12, 1996, and

WHEREAS, **Jim** has been considered and noted by his department as an outstanding diplomat with serving the citizens of Kirksville, and

WHEREAS, **Jim's** dedicated interest and devotion to duty have had a valuable effect of efficiency and morale to his department and the city; and

WHEREAS, **Jim** retired on August 3, 2007, after serving the City of Kirksville and its citizens for 11 years and 6 months.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to **Jim Hamilton** for his years of service, and we wish him success in all future endeavors.

Council Member Rodgerson moved to approve Bill No. 2007-31 and Bill No. 2007-32; seconded by Council Member McCord. The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

Human Resources Director, Pat Meredith, introduced Ellen Wood as a very important employee in making sure the City employees got paid and never remembered there being a late paycheck.

Mayor Pro Tem Rowe read and presented the Resolution to Ellen Wood.

Human Resources Director, Pat Meredith, introduced Jim Hamilton and said that she had never heard of a complaint against Jim, and in the type of job he had she felt that was quite the accomplishment.

Paul Frazier, Codes Administrator, stated that Jim Hamilton worked for him for 11 years, and was one of the top employees ever employed by the City, and added that he will be sorely missed.

Mayor Pro Tem Rowe read and presented the Resolution to Jim Hamilton.

**BILL NO. 2007-33**

**AN ORDINANCE AMENDING CHAPTER 23, TAXATION, OF THE CITY OF KIRKSVILLE, MISSOURI CITY CODE, OUTLINING THE ADMINISTRATION AND COLLECTION OF THE LODGING TAX.**

Council Member McCord moved to adopt Bill No. 2007-33 on first reading; seconded by Council Member Rodgerson.

Kris McKim, Assistant City Manager, reported that this action was part of the ordinance that the Council passed in May 2006, when they voted to put the lodging tax before the voters. That ordinance said that upon its passage the City would pass an ordinance that would outline administration and responsibilities with the tax. The Tax did pass and we have been collecting it since January 1, 2007.

Council Member McCord stated that she read the Ordinance and as a lodging person it sounds very good.

McKim stated that it goes hand-in-hand with the agreement between the City of Kirksville and the Chamber of Commerce.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**BILL NO. 2007-34**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

Council Member Rodgerson moved to adopt Bill No. 2007-34 on first reading; seconded by Council Member McCord.

Kris McKim, Assistant City Manager, reported that this is an annual Ordinance required by the State Ethics Commission to show that we know that the procedures are in place for conflicts of interest for Council Members and requires the City Manager to disclose financial information.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**BILL NO 2007-35**

**RESOLUTION NO. 8-7-552**

**A RESOLUTION OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE EXECUTION OF LEGAL DOCUMENTS FOR THE SALE OF CITY PROPERTY DESCRIBED AS TWO LOTS ON THE CORNER OF EMMETT STREET AND NOVINGER STREET.**

WHEREAS, the Kirksville City Council approved the sale of city property through the competitive bid process, located at the corner of Emmett Street and Novinger Street, described as follows:

Lots two (2) and three (3) of Block Two (2) in the Re-Dedication of Sunset Village Addition to the City of Kirksville, Adair County, Missouri

and

WHEREAS, bid notices, specifying a minimum bid of \$30,000 appraised value, were mailed to adjoining property owners, public notice was placed on the city website and notice was advertised in the local newspaper on July 13, 2007 ; and

WHEREAS, only one bid was received by the bid opening date of July 31, 2007, at an amount of \$40,010.00 from Kirksville Mini Storage, Inc. for the two lots on the corner of Emmett and Novinger Streets.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager and staff to proceed with the execution of any legal documents on the sale of the city's property, as described above.

Council Member Mayer moved to adopt Bill No. 2007-35 on first reading; seconded by Council Member McCord.

Kris McKim, Assistant City Manager, reported that after discussions about North Park and its future development it was determined that this parcel of land, which lies across Emmett and Novinger streets, away from the rest of the park was not suitable for development. The potential development of that piece of property would cause children to cross the streets, and it was decided there was no room for development possibilities on this parcel of land. Therefore, the Council determined that there was no need for the City to keep that property in its assets. The City took bids on the property with a minimum bid of \$30,000, with only one bidder at \$40,010.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**BILL NO 2007-36** **RESOLUTION NO. 8-7-553**  
**A RESOLUTION OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE**  
**EXECUTION OF LEGAL DOCUMENTS FOR THE SALE OF CITY PROPERTY**  
**DESCRIBED AS A STRIP OF LAND OFF OF GREEN STREET.**

WHEREAS, the Kirksville City Council approved the sale of city property through the competitive bid process, located off of North Green Street, described as follows:

A vacant strip of land, being 26 ft. in width and runs approximately 270 ft in average depth

Beginning at the Southwest corner of the Northeast Quarter of Section 4, Township 62, Range 15, thence East, along the South line of said Quarter Section, 269.58 feet to a point on the West line of Lot A, Bowers and Wayman Second Addition, thence North along said West line 26.00 feet to the Northwest corner of said Lot A, thence West, 26.00 feet North of and parallel with said South line of said Quarter Section to a point on the West line of said Quarter Section, thence South along said West line to the Point of Beginning; except that portion in road right-of-way. Contains 6,219.70 square feet or 0.143 acres more or less;

and

WHEREAS, bid notices, specifying a minimum bid of \$2,800 appraised value, were mailed to adjoining property owners, public notice was placed on the city website and notice was advertised in the local newspaper on July 13, 2007 ; and

WHEREAS, only one bid was received by the bid opening date of July 31, 2007, at an amount of \$3,105.75 from Lisa A. Doak, D.V.M., for the strip of land off of North Green Street.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City Manager and staff to proceed with the execution of any legal documents on the sale of the city's property, as described above.

Council Member McCord moved to adopt Bill No. 2007-36 on first reading; seconded by Council Member Mayer.

Kris McKim, Assistant City Manager, explained that this is a piece of land that the City acquired with the intention of extending Burton Street, but was not able to acquire the other

properties needed to move forward. The City has been maintaining this strip of land, but has no purpose or development possibilities. As in the previous agenda item, the City published a notice of sale as well as sending letters to the adjacent property owners. Both properties were bid on by adjacent owners. This property had a minimum bid of \$2800, and the bid came in at \$3105.75.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

### **Building Permit Fees**

Council Member Mayer moved to approve a change in the calculation of building permit fees for new construction using a square footage value provided by the International Codes Council; seconded by Council Member Rodgerson.

Brad Selby, Code Administrator, reported that the current permit fee is \$4.25 per \$1000 of construction cost, and has been at that rate for many years. Currently the Codes Department relies on the owner or contractor applying for the permit to submit their estimated construction cost, and the fee is then calculated based upon their estimates. Low estimates cause a loss of revenue to the City and reduce the fees to the contractor and owner, which they believe causes unfair competition to those that submit accurate estimates. The Codes Department proposes using a permit fee which would estimate the cost of construction based upon the square footage of the structure. The Codes Department would make calculations using a chart provided by the International Codes Council (ICC). The chart provides the national average cost of construction for different structures which includes residential, commercial and industrial with varying types of construction. The chart is updated every six months so the fees could vary slightly depending on the national average cost of construction at that time. The current fee of \$4.25 per \$1000 of construction would continue to apply in calculating the permit fee. The charge would be determined by the cost of square footage on each finished floor with an added fee for unfinished basements of \$15 per square foot, which is part of the ICC calculations. Staff estimates that this could bring in \$3000-\$6000 in additional revenue to the City, and would level the playing field between those who use actual estimates and those who underestimate to keep permit fees down. If the Council approves this motion the Codes Department would send letters out to the contractors and developers giving them the information they would need to bring in with them. The new permit fee would go into effect September 1, 2007.

Council Member Mayer asked when the current estimation method was put into place.

Code Administrator, Paul Frazier, said that about 15 years ago the City went to the current method. Frazier stated that the Codes Department checked with some sister cities: Ottumwa; Moberly; Columbia; Quincy; and they are using approximately that same cost—about \$92 per square foot on residential. He said it seems to be a fairly good estimate for residential, Frazier stated it keeps everyone on an even base and keeps honest people honest.

City Attorney, Howard Hickman, had concerns as to whether the current fee base was provided for by ordinance, city code, building code, or where it came from. Since the estimated cost is not changing, and the Codes Department would just be calculating it for the citizens, Hickman said we would just need to make sure the language does not need to be amended to the original ordinance. Hickman did not believe it would cause a deferral of action, and felt it would not cause a change to the original ordinance in the end.

Karl Hildebrand, Editor and Chief of Rhinehart News Agency, stated that he was concerned the motion is based on an unproven charge and that it is an income generating measure. Hildebrand had questions as to where the increased revenues will be used, and said he felt that since it is not about safety of construction or alterations to provide a safer environment for workers, it should not be approved. Hildebrand stated that he feels that it will have an adverse affect that will drive people away from, instead of to, the City of Kirksville. He stated that Rhinehart News Agency opposes the change. Hildebrand also brought up the issue of remodeling, and Frazier stated that remodeling is not a part of the proposed change.

Council Member Rodgerson responded that there were examples given during a previous study session by the Council that the cost of construction in Kirksville compared to other cities he has lived in is very low. Rodgerson feels it is unfortunate that we have to pass a rule like this because of someone else's errors, but that the best form of government is self-government. It is due to dishonesty that these regulations come in to play, and Rodgerson said he feels it sets a standard and makes things fair.

Frazier gave examples of the County Assessor's values of new homes not matching the stated cost of construction by the homeowners or contractors.

Joe Conway, Custom Muffler, stated that he is a working man here in town, and that he can't afford to build an expensive home. He had concerns as to how much it would cost him to remodel his home, and how much the property taxes would increase. He stated that he both disagrees and agrees with this motion. He feels it may not be fair to the working man, and that it should be taken to the citizens for a vote. He also mentioned that he feels we need more industry brought into the City, and that should be the biggest concern for the Council at this time.

Council Member Rodgerson stated that it does not affect remodeling of homes at all; it will only change how the fees are calculated for new construction.

Selby reiterated the fact that their goal is to level the playing field for all citizens.

Council Member Mayer stated that the reason he wanted to know how many other cities allow for an unscientific method, was because the new scientific method of calculation is a step forward. Council Member Mayer stated that in the earlier study session they looked at potential ways to calculate the fees, and the Council felt that this was a moderate plan. Mayer said the Council could have gone much further in finding ways to generate revenue, but that the Council chose a moderate, middle of the road, very scientific way to do it.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

### **Truck Bids**

Council Member McCord moved to approve truck bids from Lovegreen Ford and Jim Robertson Chevrolet; seconded by Council Member Rodgerson.

John Buckwalter, Public Works Director, reported that this is part of the 2007 Capital Replacement Program for the Department of Public Works, and that these trucks were advertised. The first vehicle is a 3/4 ton four wheel drive truck that is used by the Utility Maintenance Supervisor, and it replaces a 1998 4X4 that will be transferred to the Waste

Water Plant. The truck will be used on a less intensive basis than its current use, and the City will sell a 1997 ¾ ton truck out of fleet. The low bidder was Lovegreen Ford with a bid of \$24,694. The next low bidder was also a local, Jim Robertson, with a bid of \$26,692.

The second vehicle is a ½ ton pickup truck that will replace a 1997 ½ ton pickup truck that currently belongs to the Wastewater Division. The 1997 truck will be sold out of the fleet. Three bids were received with the low bid from Jim Roberson Chevrolet for \$17,140, just under Lovegreen Ford's bid of \$17,361.

Buckwalter recommended replacing the trucks with the low bidders. Both came in under the amount that was projected in the budget for the truck replacement. Buckwalter said that these bid values do not include any value that will be received for the old trucks sold out of the fleet, but stated that they are fairly well used.

Council member McCord commented that she was glad to see that the bidders that won were from our community.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**Benton & Associates Agreement—Water Treatment Plant Improvements Phase I**

Council Member Rodgerson moved to authorize the City Manager to enter into an agreement with Benton & Associates for engineering services for Water Treatment Plant Improvements Phase I; seconded by Council Member Mayer.

Public Works Director, John Buckwalter, requested that the Council authorize the expenditure of an additional \$25,560 for engineering services for the revised design for construction, inspection and management of the Phase I Water Treatment Plant Project. The project is now complete, with final construction cost of \$1,287,165. It was originally supposed to take 240 days, and it took 420 days due to changes to the project most of which were directed by the City. Changes were made to add in work to the Chlorine storage room as a result of the EPA inspection and order of consent to comply with results of that EPA inspection. This will raise total engineering fees from about 10.6% to a little over 11% for construction phase. The request for reimbursement is actually less than the firm's actual expenses.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**Street Use—Downtown Carnival**

Council Member Mayer moved to authorize street closure for the downtown carnival from August 16 – 18, 2007; seconded by Council Member Rodgerson.

Jim Hughes, Police Chief, stated that this is a new event, with no track record. Hughes added that Steve Bell, Community Services Director is coordinating this event and expects it to run relatively smoothly. It is a new inaugural event requesting street closures not much different than Red Barn. Hughes mentioned that one business called and raised a question about the effect it might have on access to their business during the event. He said that when he and Steve Bell went over to take a look at the site that they had that business in mind and they have the traffic direction availability for customers to reach that business.

Council Member Mayer commented that the issue has been researched and in other communities it does attract business to the downtown.

Assistant City Manager, Kris McKim, said that the thought from the Downtown Improvement Committee is that any time you can bring business to the downtown everybody benefits from it.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**Committee/Board Appointment—Northeast Missouri Regional Planning Commission & Rural Development Corporation Board**

Council Member McCord moved to approve the appointment of Mari Macomber as an alternate on the Northeast Missouri Regional Planning Commission & Rural Development Corporation Board; seconded by Council Member Mayer.

Kris McKim, Assistant City Manager, reported that this motion allows for an official appointment for Mari to vote if Mayor Pro Tem Rowe, who is the Council's delegate, cannot attend.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

Council Member Mayer moved to approve the appointment of Kim Bailey to serve as the Kirksville RIII Representatives to the Lakes, Parks and Recreation Commission; seconded by Council Member Rodgerson.

The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**Second Reading**

**BILL NO. 2007-33**

**ORDINANCE NO. 11804**

**AN ORDINANCE AMENDING CHAPTER 23, TAXATION, OF THE CITY OF KIRKSVILLE, MISSOURI CITY CODE, OUTLINING THE ADMINISTRATION AND COLLECTION OF THE LODGING TAX.**

**WHEREAS**, the City of Kirksville placed a question on the August 8, 2006 ballot asking voters whether or not the City of Kirksville should levy a 3.6 percent lodging tax on each sleeping room occupied and rented by transient guests of lodging establishments (hotels, motels, beds and breakfasts); and

**WHEREAS**, the City of Kirksville entered into an agreement with the Kirksville Area Chamber of Commerce to serve as the administrative agency should the lodging tax be approved by the voters; and

**WHEREAS**, said tax was approved by a majority of qualified voters and was effective January 1, 2007; and

**WHEREAS**, the City Council supported the passage of an Ordinance that would outline the administration and collection guidelines for the lodging tax levy.

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

That Chapter 23 of the Code of Ordinances of the City of Kirksville, Missouri, be amended by adding the following sections:

#### Section 1. Definitions

*Lodging establishment* shall mean any hotel, motel, or bed and breakfast structure, or building which contains rooms furnished for the accommodation of lodging guests, with or without meals being provided, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests.

*Transient guests* means any person who occupies a room in a hotel, motel, or bed and breakfast, for thirty-one (31) days or less.

#### Section 2. Levy of tax.

There is hereby levied a tax of three and six-tenths (3.6) percent of the gross daily rent due from and paid by transient guests of all sleeping rooms occupied and rented by transient guests of lodging establishments located in the city. This charge is in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. Said proceeds shall be used for funding a convention and visitors bureau, which shall be a general not-for-profit organization with whom the City has contracted, and which is established for the purpose of promoting tourism

#### Section 3. Payments of tax.

Each operator of a lodging establishment shall on or before the last day of the calendar month, immediately following the end of a calendar quarter, make a return to the City of Kirksville on forms provided of total rents charged and the amount of tax collected for transient occupancy. At the time the return is filed, the full amount of the tax shall be remitted. The City Council hereby establishes a lodging tax line item in the General Fund budget. All taxes collected under this section shall be deposited to the credit of this line item.

#### Section 4. Penalties for nonpayment.

Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of one (1) percent and interest of two (2) percent for each month on the unpaid taxes. The taxes shall be deemed unpaid and delinquent on the first day of the second month immediately following the end of the calendar quarter. All penalties and interest imposed under the provisions of this article shall become a part of the tax herein required to be paid. In addition to the penalties and interest imposed in this section, it shall be unlawful for any person, owner, proprietor, managing agent, operator or any type of employee of a lodging establishment to fail or refuse to register a lodging establishment, to pay the lodging tax as required by this article, or to submit any tax return or other financial records, or to

refuse to permit any necessary inspection of hotel records, or to willfully render a false or fraudulent tax return, or claim as required by this article.

#### Section 5. Reports.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed under this article to keep and preserve for a period of three (3) years all records which may be necessary to determine the amount of such taxes as may have accrued to the City and for the collection or payment of which such operator is responsible. The Finance Director, or the Director's authorized agent or representative, shall have the right to inspect such records at all reasonable times, but shall hold the same in confidence and utilize same only for the purposes of enforcement of this article.

#### Section 6. Convention and tourism advisory board.

- a. Board established. Expenditures from the convention and tourism fund shall be made at the discretion of the not-for-profit organization, subject to review of the City Council. To assist in exercising this discretion, a convention and tourism advisory board is hereby established.
- b. Membership. The convention and tourism advisory board shall consist of nine (9) members with two (2) members appointed by the City Council, five (5) members appointed by the Chamber of Commerce, with at least three (3) of these members being from the hotel, motel or bed and breakfast industry within Kirksville; one (1) member appointed by the President of Truman State University and one (1) member appointed by the President of A. T. Still University. In the event no person from the Kirksville lodging establishment industry will accept a position on the board, then the requirement for three (3) appointees to be from the lodging establishment industry shall be declared void for that given year. In addition, the Executive Director of the Kirksville Area Chamber of Commerce shall serve as a nonvoting ex officio member. The Executive Director may designate another staff person to serve in his/her place as ex officio member.
- c. Term of office. The initial members of the board shall serve as follows: three of the initial members of the board shall serve for a three-year term, three (3) of the initial board shall serve for a two-year term and three (3) of the initial members of the board shall serve for a one-year term. Thereafter, the appointed members of the board shall serve for three-year terms. The initial term shall commence on June 1, 2007. Prior to the expiration of each member's term of office, the City Council and Chamber of Commerce shall appoint, as applicable, their successor to a two-year term. Except in the case of resignation or removal, members shall hold office until their successors are appointed.
- d. Dismissals. The City Council may remove any member of the convention and tourism advisory board for misconduct or neglect of duty.
- e. Vacancies. Any vacancy in membership shall be filled for the unexpired term by the City Council for a City appointee and by the Chamber of Commerce for a Chamber of Commerce appointee.

- f. Compensation. No member of the board shall receive compensation for his/her service.
- g. Officers and committees. The original members of the convention and tourism advisory board shall meet within thirty (30) days of their appointment and organize themselves by the election of one (1) of their number as chairman, another as vice-chairman and another as secretary/treasurer, and by the election of such other officers as they may deem necessary. Thereafter, new elections among the members of the convention and tourism advisory board for all officer positions shall occur annually during the month of June. The chairman, vice-chairman and secretary/treasurer of the convention and tourism advisory board shall function as an executive committee and the members of the convention and tourism advisory board may create such other committees as they deem necessary.
- h. Bylaws, rules and regulations. The convention and tourism advisory board shall make and adopt such bylaws, rules and regulations for their own guidance and for the administration of the board as they may deem appropriate, but not inconsistent with the ordinances of the City of Kirksville or the statutes of the State of Missouri. The board shall follow all meeting notice requirements, and the taking of minutes, according to the Missouri Sunshine Law.
- i. Budget. The not-for-profit organization shall submit a proposed line item budget for the convention and tourism fund to the City Council no later than November 1 of each year. The not-for-profit organization may submit, along with the budget, written recommendations including methods of promoting tourism and conventions such as employment of personnel and procurement of services through contractual relations. The city manager shall forward these recommendations along with his/her comments and recommendations to the City Council for review and approval.
- j. Annual report. The convention and tourism advisory board shall be required to submit an annual report of its activities to the City Council by November 1 of each year.

Section 7. Effective date of tax.

Collection of this tax began on the first day of January 2007.

Section 8. Code Inclusion.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**BILL NO. 2007-34** **ORDINANCE NO. 11805**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A  
 PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND  
 SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:

Section 1. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest. The Mayor or any members of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision, and

B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

C. The City Manager also shall disclose by May 1 for the previous calendar year the following information:

I. The name and address of each of the employers of such person from who income of one thousand dollars or more was received during the year covered by the statement.

II. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

III. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports shall be filed with the City Clerk and with the Missouri Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year.

A. Each person appointed to office shall file the statement within thirty days of such appointment or employment.

B. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. When this ordinance is adopted, the City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption and prior to September 15, 2007.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

Council Member Rodgerson moved to adopt Bill No. 2007-33 and Bill No. 2007-34 on second reading; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Pro Tem Rowe – aye; Council Members: Mayer – aye; McCord – aye; Rodgerson – aye. Mayor Newton – absent. Nays – none.

**Council Comments**

None.

**Adjournment**

Council Member McCord moved to adjourn to executive session regarding real estate matters, RsMO 610.021(2); seconded by Council Member Mayer.

The Deputy City Clerk took the roll call vote: The motion carried by the following vote: Council Member Rodgerson – aye; Council Member McCord – aye; Mayor Pro Tem Rowe – aye; Council Member Mayer - aye; Mayor Newton - absent; Ayes—four; Absent – one.

Mayor Pro Tem Rowe adjourned the meeting, to an Executive Session, at 6:33 p.m.

Sarah Halstead  
Deputy City Clerk