

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Jill McCord	Mayor Pro Tem
Tom Mayer	Council Member
Aaron Rodgerson	Council Member
Howard Hickman	City Attorney
Mari Macomber	City Manager
Sarah Halstead	Deputy City Clerk
Laura Guy	Finance Director
John Buckwalter	City Engineer
Jim Hughes	Police Chief
Randy Behrens	Fire Chief
Brad Selby	Code Administrator

Absent:
 Jeff Newton Council Member

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Tuesday, December 18, 2007, at 6:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

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

MINUTES

Council Member McCord moved to approve the minutes of the regular session of December 4, 2007; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

ORDER OF AGENDA

Council Member Mayer moved to approve the agenda, as distributed; seconded by Council Member Rodgerson. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

None.

OLD BUSINESS

Bill No. 2007-51 **[Ordinance No. 11816]**
AN ORDINANCE APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE FISCAL YEAR 2008 BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.

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

SECTION 1. The Annual Budget of the City of Kirksville, Missouri, aggregating \$25,018,422, for the fiscal year commencing January 1, 2008 and ending December 31, 2008, as submitted by the City Manager and incorporated herein by reference as is fully set out in this ordinance, is hereby approved.

SECTION 2. This ordinance shall be in full force and effect from and after January 1, 2008.

Council Member Rodgerson moved to adopt Bill No. 2007-51 on second reading; seconded by Council Member Mayer.

Finance Director, Laura Guy, stated that no changes have been made to Bill No. 2007-51 since the prior reading and Public Hearing of December 4, 2007.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

ACTION PRESENTATIONS

Bill No. 2007-54

[Ordinance No. 11819]

AN ORDINANCE GRANTING THE REISSUANCE OF A SPECIAL USE PERMIT ON REAL ESTATE DESCRIBED AS 1301 COTTAGE LANE.

Council Member Rodgerson moved to adopt Bill No. 2007-54 on first reading; seconded by Council Member Mayer.

Code Administrator, Brad Selby, explained that this is an extension of a Special Use Permit for Raymond and Janet White of 1301 Cottage Lane. Selby stated that the White's have a lawnmower parts and repair business that has been in operation since 1999 when their permit originally approved. In 2003 the permit was reissued, and the White's are now requesting the Special Use Permit be made permanent without an expiration date. Selby said that this issue was brought before the Planning and Zoning Commission on December 12, 2007, and was approved with the stipulations that the hours of operation remain at 8:00a.m. to 6:00p.m., and that the mowers and repair activity remain inside the building. Selby said the City Staff supports the approval of the permanent extension with the stipulations, and said that no complaints from neighbors or citizens in verbal or written form. Selby said there are other businesses in the Community with open ended Special Use Permits.

Council Member Rodgerson stated that he has done business with the White's and they keep a very clean business and he appreciates their efforts.

Council Member McCord concurred with Council Member Rodgerson's comments.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Bill No. 2007-55

[Ordinance No. 11820]

AN ORDINANCE GRANTING THE REISSUANCE OF A SPECIAL USE PERMIT ON REAL ESTATE DESCRIBED AS 301 SOUTH COTTAGE GROVE.

Council Member Mayer moved to adopt Bill No. 2007-55 on first reading; seconded by Council Member Rodgerson.

Code Administrator, Brad Selby, stated that this is another ordinance asking for approval for an extension of a Special Use Permit for Mac and Jill McCord. A Special Use Permit for a Bed and Breakfast was originally approved in 2001, and they are requesting a Permanent Special Use Permit without an expiration date. Selby stated that the McCord's operate a nice, clean business and that there are other bed and breakfasts in the City that have open ended permits. The Planning and Zoning Commission approved the Permanent Special Use Permit on December 12, 2007, with a stipulation that the operation of business is not disruptive to the neighborhood. The City Staff is in supports of this Permanent Special Use Permit.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – abstain; Newton – absent; Rodgerson – aye. Ayes – 3; Nays – none; Absent– 1; Abstain – 1.

Bill No. 2007-56

[Ordinance No. 11821]

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING MOTOR VEHICLES AND TRAFFIC.

Council Member Mayer moved to adopt Bill No. 2007-56 on first reading; seconded by Council Member McCord.

Police Chief, Jim Hughes, stated that months ago the Child Development Center approached the City Police Department and said they had found a new location at 2805 S. Halliburton. The Child Development Center wanted a school zone for their new location, and Hughes had an issue concerning setting a precedence between a daycare center and preschool. Hughes requested further information and the Child Development Center provided him with the needed documents. Hughes said that he and City Engineer, John Buckwalter, were in concurrence that it could be considered a School Zone. In the City Ordinance school zones are only allowed for public schools. Hughes stated that Mary Immaculate has a 20mph posted school zone, and that he believes it is prohibited by current Ordinances. Hughes sated that a quick fix, and then the Staff would come back in a few months with additional clarification, is to remove the word "Public" from the definition, which would allow the City to establish a school zone where they see fit. Hughes said the only problem he sees is that it may become necessary down the road to define what a "school" is. This would also make the school zone at Mary Immaculate comply with the Code. Hughes stated that one other minor change to the Ordinance was to update the name of Missouri State Teacher's College to Truman State University. Hughes said that City Staff is in support of the ordinance and the addition of a School Zone at the Child Development Center.

There was discussion as to whether or not any other locations had School Zones, and Council Member Tom Mayer asked if the only thing to be changed was to change the definition of a school district.

Hughes stated that the word “public” would be deleted to change it to “school building within the corporate City limits”. If it becomes an issue, Hughes stated that the City Attorney would be consulted to determine what would be considered a school.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

City Council Policy #4—Cooperative Sidewalk Policy

Council Member Mayer moved to approve a revision to City Council Policy #4 Cooperative Sidewalk Policy for New, Replacement and Removal to establishing a replacement plan; seconded by Council Member McCord.

City Manager, Mari Macomber, explained that the Council Policies that follow have been discussed in a Council Study Session, and each Staff member will explain in detail the changes that are recommended.

Code Administrator, Brad Selby, said that the City Staff was anticipating receiving budgets to repair sidewalks in 2008. Selby said that in order to get the City’s sidewalks in good condition, the decision was made to concentrate on ten different areas and looked at it as a ten-year project. Selby said that the City Staff inspected the properties in the first section, and determined what needs to be replaced. The Staff estimates the cost to be about \$4.00/square foot in 2008, and the City would reimburse half of the total for parts and materials to do the work. Selby said the Staff tried to refine what the citizens need to do to streamline it as much as possible. This policy reflects those changes, and includes the rebar requirements. Selby said the Staff made sure it was readable and reflected what needs done in the next ten years. Selby stated that there is approximately \$25,000 budgeted for the project, and he believes it will take \$18,000 for this year. Selby said that will leave a bit for others that need assistance in other parts of town.

Council Member Rodgerson inquired as to what types of expenses the City would reimburse to the citizen. Selby replied that the individual will pay for labor and all of the work up front. The City will then inspect the work to see that it is done satisfactorily, and then the City would reimburse them for the materials based on the square feet. Selby said that there will be an agreement ahead of time that will state what will be paid and how much.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

City Council Policy #7—Special Events and Parks Reservation

Council Member Rodgerson moved to approve a revision to City Council Policy #7 Special Events and Parks Reservation that expands the use of the parks and outlines specific criteria determining when a Special Events application is required; seconded by Council Member McCord.

Finance Director, Laura Guy, explained that the Risk Coordinator handles special events for the City, and this policy is to make some wording changes and add clarification. In Section 2.2 the changes are to delineate which events come under the application process. Guy said the next issue is to determine who needs insurance, which is addressed under the Regulation

Section. Guy said that before you would have fill out an application if there were one hundred people and/or fifty vehicles or more. This policy change raises the number to one hundred and fifty people or more. Guy said that the Staff researched some other cities and used them as a template. To bring the policy up to date the policy states the City will take reservations by email and refers citizens to the website.

Macomber stated that the policy was changed so that multiple applications could be submitted at one time. She said that one reason this policy change was edited was that the Rotary Park committee wanted the City to relax the standards for insurance requirements. The City increased the number of people by fifty, but if it is a much larger event it is not as easy for the City to manage. Macomber said that if the City sponsors an event it will not have to go through this process, but outside entities will be required to complete the process.

Guy said that some events will always require a Special Events Application and Insurance, because it depends on liability.

Council Member McCord asked if this policy applies to shelters and if you can rent them online. Guy said that it is not yet set up for shelters to be rented online, and that process is handled through the Aquatic Center.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

City Council Policy #12—Internal Services and General Replacement

Council Member Rodgerson moved to approve a revision to City Council Policy #12 Internal Services and General Replacement updating the policy to reflect when equipment and vehicles should be replaced and the criteria to be used to determine replacement; seconded by Council Member Mayer.

City Engineer and Public Works Director, John Buckwalter, said that Policy #12 establishes the replacement schedule for the fleet and supporting equipment. Buckwalter said that the Staff went through and made changes to this policy to make sure it follows the Council purchasing policy in terms of used vehicles and purchase of state contract vehicles. The previous policy would have required the City to use state bid vehicles without the option of considering local bids. Buckwalter said that the Staff reviewed the vehicle replacement schedule in more detail, identifying the vehicles by use. The American Public Works Association's Fleet Management Technical Committee has developed a guideline to identify when a vehicle should be replaced. Buckwalter said that the Staff reviewed the guideline and this policy recommendation gives a guideline to look at for five-year plan budgeting. The Staff will identify the vehicles on the replacement list and compare them to the replacement criteria. Buckwalter said the Staff will then decide which vehicles need to be replaced, which ones will be rolled over to the secondary fleet, and which ones will be kept. If there is no money available the vehicle will be kept, but maintenance costs will go up dramatically.

Macomber informed the Council that they have a copy of the vehicle replacement guidelines in their packet. Macomber said that this is a much more comprehensive policy than what the City had before, and it is more inclusive than the previous policy.

Buckwalter said that the staff has basically included all vehicles so that there will be no guessing.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

City Council Policy #24—Aquatic Center Admission Fees

Council Member Mayer moved to approve a revision to City Council Policy #24 Aquatic Center Admission Fees giving the Community Services Director the authority to set the fees, provided such fees are presented during the annual budget review process; seconded by Council Member Rodgerson.

City Manager, Mari Macomber said that Steve Bell, Community Services Director, was absent so she would explain these policy changes. Macomber said that the City does not have money for scholarships, as mentioned in the old policy. The fees have been approached by covering costs without deterring people from being able to afford to use the Aquatic Center. Macomber stated that the City eliminated punch passes, because they expired before all of the punches were used and the citizens would get upset. The current system factors in the costs, and works with organizations based on individual needs. Macomber said that Steve Bell has been working with ATSU and establishing a fee for students. The Council direction has been make the Aquatic Center cover its costs, and the previous system didn't allow for expenses to be covered and made customers unhappy.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Purchase of Platform Truck from Brindlee Mountain Fire Apparatus, LLC

Council Member Mayer moved to approve the purchase of a 1996 E-One 105' platform truck from Brindlee Mountain Fire Apparatus, LLC in the amount not to exceed \$339,200; seconded by Council Member Rodgerson.

Fire Chief, Randy Behrens, said that the Fire Department looked at a 100' truck in Pennsylvania, and another in West Seneca, New York. Behrens said that both were nice trucks, but that the E-ONE in West Seneca is the one the Staff is recommending. Behrens said that the decision for the E-ONE was decided upon because the body was in better condition; it has a tilt cab allowing easier access to the motor; the basket controls were smooth; it has an aluminum ladder versus a steel ladder; it has less miles; it has fewer hours; and it is four years newer than the one in Pennsylvania. Behrens explained that the E-ONE has a 1750 gallon per minute pump, and an 8000 watt hydraulic generator. The E-ONE had a lot of the things that the Staff was looking for in the bid for a new truck. Behrens said that a concern with the other truck was that they were afraid they would throw someone from the basket, because the controls were not as easy to handle.

The Council discussed with Behrens how many floors high the E-ONE would be able to reach compared to the old truck. It was also discussed that the old truck was no longer able accommodate all of the Fire Department's needs.

Behrens explained that the City originally bid out a 100' truck, and it would have cost approximately \$804,000. The E-ONE has 13,204 miles on it, and it is for sale because it was more truck than the previous owners needed.

City Attorney, Howard Hickman, inquired as to how the truck will be delivered and who will cover the liability involved in the trip. Macomber stated that Brindlee Mountain Fire Apparatus, LLC will drive it to Missouri, rather than hauling it on a trailer. Behrens said he is not positive about the liability for the delivery, but he believes they will be liable, not the City. Macomber said before it is delivered the City will make sure Brindlee Mountain Fire Apparatus, LLC provides coverage.

Macomber said Staff is asking the Council to approve the purchase of the truck, and that she and Guy will try to figure out how to pay for it without a lease. Macomber said another reason for purchasing a used truck is because there are fewer calls that require the platform truck than the pumper trucks, and this will allow the City to replace the more important pumpers more easily.

Behrens explained that not all of the equipment is on the E-ONE so there will be a few changes, such as decals, that will require Council approval.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Appointment to Lakes, Parks and Recreation Commission

Council Member Mayer moved to approve appointments of Sue Barrett, Marsha Jones and Carol Cox to the Lakes, Parks and Recreation Commission; seconded by Council Member Rodgerson.

Macomber explained that there are three terms of the Lakes, Parks, and Recreation Commission that expire in January. Marsha Jones and Carol Cox are both contributing members, who have served one year and are agreeable to continue serving. Macomber said that there is one more opening after these three are approved if the Council has someone they would like to ask to serve

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Second Reading of Ordinances

Bill No. 2007-54

[Ordinance No. 11819]

AN ORDINANCE GRANTING THE REISSUANCE OF A SPECIAL USE PERMIT ON REAL ESTATE DESCRIBED AS 1301 COTTAGE LANE.

WHEREAS, Raymond and Janet White, the owners of the real estate listed above, have filed a petition requesting the re-issuance of their Special Use Permit as provided by Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri. The previous Special Use Permit was issued in January of 2003, for a period of five (5) years. The land covered by said request is as follows, to-wit: 1301 Cottage Lane, and is legally described as:

A tract of land in the SW ¼ of Section 10, Township 62, Range 15, in the City of Kirksville, Adair County, Missouri described as follows: Beginning at the Southwest Corner of Lot 9, of Cottage Lane Avenue 56 feet to set iron rod: thence parallel to the West lot line of said Lot 9, 108 feet to set iron rod; thence East parallel to the North right of way line of Cottage Lane

Avenue, 56 feet to found iron rod; thence South along the West lot line of Lot 9, 108 feet to the point of beginning, containing 6048 square feet; and

WHEREAS, said petition requests the right to use said property for use and occupancy of a lawn mower parts and repair business; and

WHEREAS, that said request is for a permanent, open-ended period of time, unless revoked after review and recommendation by the Planning and Zoning Commission, and by resolution of the City Council, as provided by Section E, Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri; and

WHEREAS, said business will operate under the following stipulations:

1. business hours will remain between the hours of 8:00 a.m. and 6:00 p.m.
2. the mowers and repair activity will be kept inside the accessory building.
3. the operation of the business will not be disruptive to the neighborhood, and

WHEREAS, the Planning and Zoning Commission of the City of Kirksville, Missouri, approved said request at its meeting of December 12, 2007,

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

That a permanent Special Use Permit is hereby reissued to Raymond and Janet White to use the above described property for the use and occupancy of a lawn mower parts and repair business.

This ordinance shall be effective from and after the date of its passage.

Bill No. 2007-55

[Ordinance No. 11820]

AN ORDINANCE GRANTING THE REISSUANCE OF A SPECIAL USE PERMIT ON REAL ESTATE DESCRIBED AS 301 SOUTH COTTAGE GROVE.

WHEREAS, Mac and Jill McCord, the owners of the real estate listed above, have filed a petition requesting the re-issuance of their Special Use Permit as provided by Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri. The previous Special Use Permit was issued in April of 2001. The land covered by said request is as follows, to-wit: 301 South Cottage Grove, and is legally described as:

A tract of land in the Southeast Quarter of the Northwest quarter of Section 10, Township 62, Range 15, Adair County, Missouri and being more particularly described as follows: Beginning at the Northwest corner of said Southeast Quarter of the Northwest Quarter, thence along the North line of said Southeast Quarter of the Northwest Quarter, Thence South 89 degrees 05 minutes 15 seconds East 332.58 feet, thence South 0 degrees 37 minutes 30 seconds West 198.00 feet, thence North 89 degrees 05 minutes 15 seconds West 332.58 feet, thence North 0 degrees 37 minutes 30 seconds East 198.00 feet to the point of the beginning; and

WHEREAS, said petition requests the right to use said property for use and occupancy as a Bed and Breakfast establishment; and

WHEREAS, that said request is for a permanent, open-ended period of time, unless revoked after review and recommendation by the Planning and Zoning Commission, and by resolution of the City Council, as provided by Section E, Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri; and

WHEREAS, said business will operate under the following stipulation:

1. the operation of the business will not be disruptive to the neighborhood, and

WHEREAS, the Planning and Zoning Commission of the City of Kirksville, Missouri, approved said request at its meeting of December 12, 2007,

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

That a permanent Special Use Permit is hereby reissued to Mac and Jill McCord to use the above described property for the use and occupancy as a Bed and Breakfast establishment.

This ordinance shall be effective from and after the date of its passage.

Bill No. 2007-56

[Ordinance No. 11821]

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING MOTOR VEHICLES AND TRAFFIC.

WHEREAS, enforcement issues/questions arise, on a regular basis, that result in a review of portions of the current City of Kirksville Code of Ordinances; and

WHEREAS, that review will periodically identify changes that need to be made in the current City of Kirksville Code of Ordinances; and

WHEREAS, the proposed change is recommended to more efficiently bring the written code into compliance with recommendations to resolve identified problems, made by the Police Department.

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

- I. Chapter 15, Section 446 of the code is amended as follows:

The definition of *School district* shall be changed as follows:

“...including the streets adjacent to the block on which stands any public school building within the corporate limits of the city. This definition also applies in like manner to the streets and buildings of the state-teacher’s college **Truman State University** in the city.”

- II. Effective Date

The modifications to this ordinance shall be effective from and after its date of passage.

III. Incorporation into the City of Kirksville Code of Ordinances

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.

Council Member Rodgerson moved to adopt Bill No. 2007-54 and Bill No. 2007-56 on second reading; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Council Member Rodgerson moved to adopt Bill No. 2007-55 on second reading; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – abstain; Newton – absent; Rodgerson – aye. Ayes – 3; Nays – none; Absent–1; Abstain – 1.

Council Comments

City Manager Macomber asked the Council to sign a letter to the Kirksville R-III School Board recognizing their recent recognition as one of twenty-nine high schools in the state of Missouri recognized by US News and World Report for the standards they have set.

Adjournment

Council Member Mayer moved to adjourn to executive Session regarding Personnel Matter RsMO 610.021(3); seconded by Council Member Rodgerson. The Deputy City Clerk called the roll as follows: Mayor Rowe – aye; Council Member Mayer – aye; Council Member McCord – aye; Council Member Newton – absent; Council Member Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

Mayor Rowe adjourned the meeting to executive session at 7:31p.m.

Sarah Halstead
Deputy City Clerk