

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor Pro Tem
Tom Mayer	Councilmember
Jill McCord	Councilmember
Aaron Rodgerson	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Sarah Halstead	Deputy City Clerk
Brad Selby	Code Administrator
John Buckwalter	City Engineer
Steve Bell	Community Services Director
Jim Hughes	Police Chief
Tim King	Deputy Police Chief

Absent:

Jeff Newton Mayor

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Tuesday, September 18, 2007, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

Major William Hogg, Salvation Army 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 September 4, 2007; 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.

ORDER OF AGENDA

City Manager Macomber stated that the Council did not need to adjourn to Council Retreat at the end of the meeting.

Council Member Rodgerson moved to approve the amendment to the agenda; 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.

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

None.

Old Business

None.

ACTION PRESENTATIONS

BILL NO. 2007-45

[ORDINANCE NO. 11811]

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A MINOR SUBDIVISION OF PART OF A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 62 NORTH, RANGE 15 WEST, ADAIR COUNTY, MISSOURI, OTHERWISE KNOWN AS 2523 S. FRANKLIN STREET IN THE CITY OF KIRKSVILLE, MISSOURI.

Council Member Rodgerson moved to approve Bill No. 2007-45; seconded by Council Member McCord.

Brad Selby, Code Administrator, explained that this is a minor subdivision lot split. Selby stated that Tim Eschmann wishes to divide this tract of land into lots. One lot would possibly be used for a small commercial business, and the other three lots would be used for single or multi-family residential. All four lots have the required street frontage and access to utilities. Selby said the City Staff recommends the approval of the lot split.

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.

Creation of ad hoc North Park Commission

Council Member Mayer moved to approve the creation of an ad hoc North Park Commission and authorize the Mayor to appoint members to said Commission; seconded by Council Member McCord.

Community Services Director, Steve Bell, said that City Staff is proposing the Council create an ad hoc North Park Commission to deal with some opportune issues. Bell stated that the creation of this Commission is an opportunity to bring all of the involved groups together to discuss the Park's future usage, and to find a way to maximize opportunities.

Council Member McCord stated that she feels the Commission will bring all the groups together and hopefully get rid of the disparity. She said that she believes it will be good for the Park and the City as a whole.

Council Member Rodgerson asked if there is a time line for this Commission to be formed and when the groups will come together to begin discussions.

Bell stated that he hopes it will be before the first of year. Bell said that there is an interest in tournaments but often times the fields are in use, so the Commission would help to find a way to schedule user groups to accommodate needs.

Council Member Mayer had a question as to the formation process of the Commission, and Bell said that the motion would authorize the Mayor to appoint the group.

Macomber explained that once the group is formed the City will put together a Mission for the group outlining what Bell and the group would be working on.

Bell also stated that the group will disband no later than 2010.

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.

W.L. Miller Company Change Order

Council Member Rodgerson moved to approve a change order to the agreement with W.L. Miller Company, Inc., Hamilton, Illinois in the amount of \$44,682.00 for the construction of a multi-purpose trail section from the YMCA to LaHarpe Street; seconded by Council Member Mayer.

John Buckwalter stated that this is a change order to the contract with W.L. Miller Company for the asphalt overlay program. Buckwalter explained that this project is a stand-alone piece of work that would be done in addition to the original contract. Buckwalter said that a small piece of multi-purpose trail that connects the YMCA and the existing trail to La Harpe Street and the sidewalk there is the only project remaining from the Southeast TIF District Plan. Buckwalter said that the collection of funds from the Southeast TIF was closed last budget year, but that the funds were held for the construction of that trail. Buckwalter said that the design was made in-house and the cost by use of a change order would be \$44,682.00 for a ten foot asphalt trail. Buckwalter stated that this would be a short duration project, and that to make this a change order instead of bidding it out would provide the least cost to the City. Buckwalter feels there would probably be no other contractors to bid this project since W.L. Miller constructed all of the other trail sections. Buckwalter said W.L. Miller is familiar with the scope of the project and the City has a fixed price.

Council Member McCord asked about the budgeted amount, and Buckwalter answered that there was \$67,000.00 budgeted for this project.

Macomber explained that once the project is closed out the balance of the money would be remitted proportionately to the other taxing districts since it was taken from property taxes.

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.

Police Radios—Bid

Council Member Mayer moved to approve a request to purchase mobile and portable radios from Wireless USA, Quincy, Illinois in the amount of \$120,797.65; seconded by Council Member Rodgerson.

Deputy Police Chief, Tim King, asked the Council for approval for the purchase of portable and mobile radios for the Kirksville Police Department and the Adair County Sheriff Department. King explained that the City and County were awarded almost \$142,000 through a grant submitted under the Interoperable Communications portion for Law Enforcement. King stated that the bid was advertised and the City accepted bids from three vendors: Wireless USA, Quincy, IL; Missouri Communications Electronics, Columbia, MO; Global Technical Systems, Quincy, IL. Global is a Kenwood dealer and came in with a much lower bid than the other two, with a discount offer if the radios were purchased and online by the end of September. The other two bidders are Motorola dealers. The Staff compared the radios and determined their needs would be better met by accepting the bid from Wireless USA. The Staff decided on the Motorola Radios they would like to purchase due to a successful and long history with that brand, the dealer could meet the City and County's requirements, and the fact that the City has their service contract with the Motorola dealer out of Quincy. King said that the City has had a few Kenwood radios for a very short time, but

the Staff doesn't use them very often so they are not sure of the durability. King also stated that the Kenwoods did not provide some of the features that were needed. Staff recommended twenty-six mobile radios with two hundred fifty-five channels, and fifty-five portable radios with five hundred twelve channels that come with the chargers, cases, and installation for \$120,797.65. King stated that ten of the mobile radios and twenty of the portable radios will be distributed to the County upon receipt.

City Manager Macomber asked King to explain why the current radios do not meet the Federal Government's standards.

King explained that the new radios will meet the Federal Government's Interoperable Communication Guidelines. Use of this grant will allow the officers from different agencies to communicate on the same frequencies, thereby clearing up miscommunication between responders.

Mayor Pro Tem Rowe inquired as to the life of the radios, and King stated that some of the Department's radios are twelve to fifteen years old, but they do not meet the Government's requirements. King informed the Council that the remainder of the awarded money will be returned to the State to be used by other agencies, and the old radios will be taken out of service.

Council Member Rodgerson inquired as to the number of radios being purchased, the warranty, and the cost. King said that there are eighty-one radios that will replace the total number of radios currently owned by the City and County. King explained that the Grant won't pay for an extended warranty, and that the radios required by the Government are more expensive because they must meet certain criteria for the Grant to cover the costs.

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.

TSU Alumni Association Paw Prints—Street Use

Council Member Mayer moved to approve the use of City streets from by the Truman State University Alumni Association for the purpose of painting bulldog paw prints; seconded by Council Member Rodgerson.

Chief of Police, Jim Hughes, stated that Truman State University wants to have this project done in time for Homecoming. Hughes said this year is the first time something like this has been done, and believes that TSU wants the paw prints to be permanent. Hughes said the City does not want the paw prints fading and looking bad over time, so the City placed some stipulations on the Alumni Association: 1) If they are permanent the Alumni Association would maintain them, and the response was that they would do so; 2) The Police Department will work with the Alumni Board to find a date, time, and work out the logistics to make sure the work is done in the safest manner possible; 3) If repaving, fading, etc., occurs the City will ask that the Alumni Association go back and replace/repair when needed. Hughes said that the City will make sure the Alumni Association has the proper insurance in place before work begins.

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.

Truman State University Homecoming Parade—Street Use

Council Member McCord moved to approve the use of City Streets for the Truman State University Homecoming Parade and the 22nd Annual Bulldog 5K Run; seconded by Council Member Mayer.

Jim Hughes stated that this is a standard request that has been the same for the past 4-5 years. Hughes said it costs the City about \$1800 for staffing; about the same for any other parade or special even on the weekends, but has not caused any problems in the past.

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

Second Reading

BILL NO. 2007-45

[ORDINANCE NO. 11811]

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A MINOR SUBDIVISION OF PART OF A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 62 NORTH, RANGE 15 WEST, ADAIR COUNTY, MISSOURI, OTHERWISE KNOWN AS 2523 S. FRANKLIN STREET IN THE CITY OF KIRKSVILLE, MISSOURI.

BE IT ORDAINED by the City Council of the City of Kirksville, Missouri as follows:

WHEREAS, a tract of land located at 2523 S. Franklin street within the City of Kirksville, Missouri, is proposed to be subdivided into four (4) tracts of land, described herein, and is incorporated herein by reference, and has been regularly certified by Edward Cleaver, licensed surveyor number L.S. 1241, and

WHEREAS, the plat of land is described as follows:

All Tracts: A tract of land situated in the Southeast Quarter of Section 16, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

DESCRIPTION OF TRACT 1: Beginning at the Southwest corner of Lot 8 of Shamrock First Addition to the City of Kirksville; thence along the South line of said Shamrock First Addition South 89 degrees 59 minutes 56 seconds East a distance of 420.02 feet to the Southwest corner of Lot 13 of Shamrock First Addition to the City of Kirksville; thence South 00 degrees 02 minutes 49 seconds West a distance of 85.93 feet; thence South 59 degrees 31 minutes 52 seconds West a distance of 193.40 feet; thence South 30 degrees 01 minute 25 seconds East a distance of 87.70 feet; thence South 57 degrees 09 minutes 55 seconds West a distance of 16.70 feet; thence South 30 degrees 32 minutes 21 seconds East a distance of 52.50 feet; South 55 degrees 08 minutes 00 seconds West a distance of 74.22 feet to a point on the Easterly Right of Way of Business Route 63; thence along said Easterly Right of Way the following courses and distances, North 34 degrees 52 minutes 00 seconds West a distance of 258.41 feet; thence North 34 degrees 59 minutes 35 seconds West a distance of 176.94 feet to the POINT OF BEGINNING, containing 1.7 acres more or less. Subject to any and all easements of record.

DESCRIPTION OF TRACT 2: Commencing at the Southwest corner of Lot 8 of Shamrock First Addition to the City of Kirksville; thence along the South line of said Shamrock First Addition South 89 degrees 59 minutes 56 seconds East a distance of 420.02 feet to the Southwest corner of Lot 13 of said Shamrock First Addition also being the Point of Beginning of the description HEREIN; TOWIT: thence along said Lot 13 the following courses and distances, North 00 degrees 02 minutes 49 seconds East a distance of 108.07 feet; thence South 89 degrees 46 minutes 17 seconds East a distance of 22.29 feet to a point on a curve, having a radius of 52.12 feet; thence Southeast along a said curve a distance of 106.83 feet to the Northeast corner of said Lot 13; thence South 00 degrees 10 minutes 03 seconds East a distance of 92.17 feet to the Southeast corner of said Lot 13; thence South 00 degrees 10 minutes 03 seconds East a distance of 20.87 feet; thence South 59 degrees 31 minutes 52 seconds West a distance of 128.12 feet; thence North 00 degrees 02 minutes 49 seconds East a distance of 85.93 feet to the Point of Beginning, containing .4 acres more or less. Subject to any and all easements of record.

DESCRIPTION OF TRACT 3: Commencing at the Southwest corner of Lot 8 of Shamrock First Addition to the City of Kirksville; thence along the South line of said Shamrock First Addition South 89 degrees 59 minutes 56 seconds East a distance of 420.02 feet to the Southwest corner of Lot 13 of said Shamrock First Addition; thence along said Lot 13 the following courses and distances, North 00 degrees 02 minutes 49 seconds East a distance of 108.07 feet; thence South 89 degrees 46 minutes 17 seconds East a distance of 22.29 feet to a point on a curve, having a radius of 52.12 feet; thence Southeast along a said curve a distance of 106.83 feet to the Northeast corner of said Lot 13 also being the Point of Beginning of the description HEREIN; TOWIT: thence continuing along said curve having a radius of 52.12 feet a distance of 71.42 feet; thence South 88 degrees 30 minutes 16 seconds East a distance of 20.18 feet to the Southeast corner of Lot 7 of Shamrock First Addition to the City of Kirksville; thence along East line of said Lot 7, North 00 degrees 01 minute 25 seconds East a distance of 108.30 feet to the Northeast corner of said Lot 7 also being the Southwest corner of a tract of land recorded in Deed Record Book 587 at Page 92 in the Adair County Records; thence along South line of said tract South 89 degrees 55 minutes 07 seconds East a distance of 101.22 feet to a point on the West line of a tract of land recorded in Deed Record Book 661 at Page 83 in the Adair County Records; thence South 00 degrees 08 minutes 33 seconds West a distance of 40.12 feet to the Southwest corner of said tract; thence South 89 degrees 43 minutes 46 seconds East a distance of 220.79 feet to the Southeast corner of said tract also being a point on the West line of a tract of land recorded in Deed Record Book 392 at Page 169 in the Adair County Record; thence South 01 degrees 25 minutes 47 seconds East a distance of 88.81 feet to the Southwest corner of said tract; thence South 84 degrees 05 minutes 03 seconds West a distance of 98.23 feet; thence South 59 degrees 30 minutes 43 seconds West a distance of 220.75 feet; thence North 28 degrees 51 minutes 34 seconds West a distance of 12.70 feet; thence South 58 degrees 41 minutes 33 seconds West a distance of 24.65 feet; thence South 31 degrees 12 minutes 28 seconds East a distance of 12.30 feet; thence South 59 degrees 31 minutes 52 seconds West a distance of 43.98 feet; thence North 00 degrees 10 minutes 03 seconds East a distance of 113.04 feet to the POINT OF BEGINNING, containing 1.2 acres more or less. Subject to any and all easements of record.

DESCRIPTION OF TRACT 4: Commencing at the Southwest corner of Lot 8 of Shamrock First Addition to the City of Kirksville; thence along the Easterly Right of Way of Business Route 63 the following courses and distances; South 34 degrees 59 minutes 35 seconds East a distance of 176.94 feet; thence South 34 degrees 52 minutes 00 seconds East a distance of 457.84 feet to the Point of Beginning of the description HEREIN; TOWIT: thence

along a curve having a radius of 131.53 feet Northeast a distance of 65.76 feet; thence North 30 degrees 45 minutes 41 seconds East a distance of 81.05 feet; thence North 54 degrees 00 minutes 00 seconds East a distance of 558.49 feet; thence North 30 degrees 20 minutes 00 seconds West a distance of 225.00 feet; thence North 84 degrees 05 minutes 03 seconds East a distance of 98.23 feet to the Southwest corner of a tract of land recorded in Deed Record Book 392 at Page 169 in the Adair County Records; thence along the South line of said tract North 89 degrees 29 minutes 19 seconds East a distance of 220.20 feet to a point of the westerly Right of Way of U.S. Highway 63; thence along said Westerly Right of Way of following courses and distances: South 01 degrees 08 minutes 44 seconds East a distance of 103.70 feet; thence South 05 degrees 08 minutes 19 seconds West a distance of 41.29 feet; thence South 00 degrees 54 minutes 38 seconds West a distance of 780.79 feet; thence leaving last described line North 89 degrees 44 minutes 04 seconds West a distance of 691.36 feet to a point on the Easterly Right of Way of Business Route 63; thence continuing along said Easterly Right of Way, North 25 degrees 27 minutes 36 seconds West a distance of 223.36 feet; thence North 34 degrees 52 minutes 00 seconds West a distance of 75.26 feet to the POINT OF BEGINNING, containing 12.6 acres more or less. Subject to any and all easements of record, and

WHEREAS, the “Plat” shall be recorded in the Recorder’s Office of Adair County, Missouri.

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

That the minor subdivision for a tract of land located at 2523 S. Franklin Street is hereby approved, and the same is made an addition to the City of Kirksville, Missouri, and the portions thereof dedicated to the public are hereby accepted.

Council Member McCord moved to adopt Bill No. 2007-45 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.

Appointment of Mayor

Martha Rowe was appointed Mayor for the remainder of the 2007-08 year, by secret ballot of the City Council.

Appointment of Mayor Pro Tem

Jill McCord was appointed Mayor Pro Tem for the remainder of the 2007-08 year, by secret ballot of the City Council.

Council Comments

Mayor Rowe thanked the council for their votes, and said she will serve the remainder of the term to the best of her abilities. Rowe also complimented John Buckwalter on the work done to Osteopathy Street.

City Manager Macomber stated that it was her understanding that once Osteopathy Street is completely finished the Council would like to have a ribbon cutting with MoDOT present.

Adjournment

There being no further business to come before the Council, Council member McCord moved to adjourn; seconded by Councilmember 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.

Mayor Rowe adjourned the meeting at 6:05p.m.

Sarah Halstead
Deputy City Clerk