

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Dale Blesz	Councilmember
Tim Crist	Councilmember
Jill McCord	Councilmember
Jeff Newton	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Steve Bell	Community Services Director
John Buckwalter	Engineer
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, October 18, 2006, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

The Mayor and Council led the Pledge of Allegiance.

MINUTES

Councilmember McCord moved to approve the minutes of the regular session of October 4, 2006, as distributed; seconded by Councilmember Blesz. The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

ORDER OF AGENDA

No changes.

CITIZEN PARTICIPATION

Carol Cox said the Council should vote on a Smoke free Ordinance, and not put it on the ballot.

Tom Mayer, Pulmonary Director of Academic Medicine, said that he diagnosed today another case of lung disease who lived around smokers. He asked the Council to consider the smoke free ordinance, and to consider the health issues. Mr. Mayer provided a phone number of the Columbia Mayor to contact concerning their recent passage of a smoke free ordinance.

Jeremy Houser, Professor at TSU, 2310 N. Oak Lane, father of a new child, told the Council, "Let's be that city that everyone else wants to be like."

Michael Brown, Bishop Drive, said he is representing his daughter who is too young to speak for herself. He and his family were recently at a restaurant who caters to children. The waiter told them the non-smoking side of the restaurant was full, and would they like to be seated in the smoking area. His daughter was born with severe lung problems. She has the right to enter an establishment that is smoke free.

Brittany Schuttehenrich, 223 Campbell Apts, South Florence presented a visual fact – a fish bowl represents a restaurant, a strip of paper between represents the wall between non smoking and smoking.

Nason ? presented facts regarding the effect of smoking.

Aaron Findling, 223 Buck Creek Road, presented findings of smoking effects.

Erin Black, TSU student and works at a local bar, brought clothes from her weekend job at a bar where smoking is allowed, and stated that her lungs have to be bad when the clothes have such a horrible smell of smoke after four days later.

Julie Ousterhout, 14 Grim Court North, said she has lived in Kirksville 18 years and worked as a pharmacologist for 18 years. People stand outside the doorways of non smoking facilities. She asked the Council to consider a requirement of 15 to 20 ft from the door entrance, stating that smokers do not have the right to place us in their smoke. Ms. Ousterhout encouraged smoke free in Kirksville.

Andrew Kling, 800 East Illinois, representing Rebecca McClanahan, who could not be there, said to express concern to take action.

Cindy Mayberry, 801 East Orchard, said she has lived here for 25 years. She started working as a nurse in 1985, and at that time a large number of doctors and nurses smoked; there was no ventilation, and she developed asthma. If doctors and nurses can smoke in the facility, what message are we sending?

Kyle Beets, 215 W. Normal reported that Columbia passed an Ordinance for smoke free in restaurants, bars, open stadiums, bingo halls. He said, "Please vote yes like Columbia."

Josh Cappal, 111 ½ S. Franklin, is a smoker. Grandfather died from smoking.

Nancy Reed, 802 S. First, said she is a waitress at a smoking establishment, but she has to work.

Chelsea ?, 215 W. Normal, said to vote yes.

Liz Shulte, 913 S. Mulanix, said the separation of smokers and non smokers does not separate the smoking.

Mary Paradise, 1111 Mulanix, reported that 50,000 non smokers die each year. It is important to look at economic losses, lost wages and fringe benefits; \$6 billion is spent due to smoking.

Mason ? , 1507 N Main St. moved here from Bingham, NY. He said that no business went broke after passing a no smoking ordinance in Bingham.

Dennis Smith, Hospital Chaplain, 409 North High, has been at the bedside of many individuals who died due to smoke related sicknesses. He would like to enjoy the restaurants and activities if they were smoke free.

Julie ? 1000 Franklin, said to vote yes.

Wesley Chui, 402 W. McPherson, said the Council has an obligation to protect the health and welfare of the citizens.

Elizabeth ? , 602 W Link, therapist, said that as a community, we should take the responsibility to protect our children.

Lincoln Westfall, 760 Jefferson, student physician, enjoys taking his family out, and there are places they cannot go with four children, due to the smoke.

Peter Guirguis, 901 South Rigger, encouraged the Council to act.

Emily Cochran, Campbell Apts, said this is a public health issue. Vote yes to protect us.

Councilmember Blesz said the group (Breathe Easy) represented themselves well, and they are welcome to attend the Council meeting every two weeks. He asked how many believe the Council should have the courage to vote on this issue. He also asked how many would like it placed on the ballot.

Justin Puckett reported that 29 people die every day in the state of Missouri. Breath Easy are prepared to support a bar and restaurant smoke free ordinance, and willing to support definitions and who it implies. He encouraged the Council to continue to look at all aspects of the ordinance so the first step is a good experience.

Mark Laughlin, 1407 South Halliburton said he has a hard time making a decision on whether the Council should vote, or the public votes, but having the Council vote seems quicker. We need smoke free places.

ACTION PRESENTATIONS

BILL NO. 2006-34

RESOLUTION NO. R10-4-541

A RESOLUTION RECOGNIZING BILL YADON, UTILITY OPERATOR OF THE KIRKSVILLE WATER PLANT , UPON HIS RETIREMENT FOR 20 YEARS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.

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

WHEREAS, **Bill Yadon** has worked for the City of Kirksville Public Works Department since September 23, 1986, and

WHEREAS, **Bill Yadon** was hired as a Utility Operator of the City Water Plant and maintained that position for the full term of his employment with the City of Kirksville, and

WHEREAS, **Bill Yadon's** performance of duties and responsibilities, and his working relationships were always characterized by an obvious dedication to getting the job well done, and

WHEREAS, **Bill Yadon** retired on September 27, 2006, after serving the City of Kirksville and its citizens for 20 years.

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

Councilmember McCord moved to approve Bill No. 2006-34; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Mayor Rowe read and presented the Resolution to Bill Yadon.

BILL NO. 2006-35 **RESOLUTION NO. R10-16-542**
A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE PROJECT APPLICATION FOR THE 2007 MISSOURI LAND AND WATER CONSERVATION FUND GRANT.

WHEREAS, the City of Kirksville is an expanding city in the growing county of Adair, and

WHEREAS, the City deems it necessary to improve a public park to serve its citizens as well as the traveling public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, as follows:

1. That a project application be prepared and submitted to the Department of Natural Resources, Division of State Park's Grants Management Section for the Land and Water Conservation Fund (LWCF) Grant Round FY07.
2. The Mayor and City Manager are hereby authorized to sign and execute the necessary documents for forwarding the project proposal application for a grant-in-aid under the Land & Water Conservation Fund. These persons are also hereby authorized to sign the project agreement, subsequent amendments, and other necessary documents between the City of Kirksville and the State of Missouri.
3. If a grant is awarded, the City of Kirksville accepts all responsibilities under the Land & Water Conservation Fund regulations. This includes, but is not limited to, project site to be protected by the LWCF rules and regulations in perpetuity, maintenance of the park for public outdoor recreation purposes, compliance with the provisions of Title VI of the Civil Rights Act of 1964, underground wiring of all telephone and electrical wires under 15 KV within the park both under this project and in the future, provisions of facilities which are accessible to and usable by people with special needs.

Councilmember Crist moved to approve Bill No. 2006-35; seconded by Councilmember McCord.

Steve Bell reported the Missouri Department of Natural Resources is offering a \$30,000 per project grant. Our application will be to fund a skate park to be built in the North Park

Complex. The maximum the City would be liable for is \$50,000 coming out of the Capital Improvement Sales tax, and \$10,000 would be for in-kind services of design engineering, construction engineering, landscaping, etc., for a project total of \$100,000. City Manager Macomber said the capital improvement sales tax will have to pass to be able to do this.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Change Orders – Water Plant Improvements

Councilmember Crist moved to approve three change orders in the amount of \$35,303.70 for the Water Treatment Plant Phase I Improvements; seconded by Councilmember Newton.

John Buckwalter reported that the first two change orders are for less than \$10,000 and work has been completed. The third change order is needed for concrete found to have deterioration and pitting which may cause operational problems in the filters. These were not known until the project was started.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Water Main Replacement & Improvements Agreement w/Benton & Assoc

Councilmember Blesz moved to approve an agreement with Benton and Associates for engineering design services, bidding and construction consultation and observation for the Phase I Water Main replacement and improvements; seconded by Councilmember McCord.

John Buckwalter reported the facility plan update on the downtown water main has been completed. The preliminary design needs to be completed before Christmas to be ready to bid by March and construction next summer. A grant was recently received for the improvements of sidewalks from Normal to Washington, and business owners are interested to extend these improvements. The water lines need to be repaired prior to the sidewalk work.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Councilmember Crist moved to approve the donation of two City-owned lots to the Northeast Missouri Community Action Agency, contingent upon the Agency receiving a Missouri Housing Development Commission grant; seconded by Councilmember Newton.

City Manager Macomber explained that the Council has previously discussed the use of these lots. She pointed out Mary Lee Bailey present from the Northeast Missouri Community Action Agency. They plan to construct single family housing for rentals meeting income guidelines. The City had acquired the two lots through the county tax sale.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Bid – Automated Telephone Notification System

Councilmember McCord moved to approve the purchase, through funding obtained from Homeland Security, of an automated telephone notification system from GeoComm of St. Cloud, Minnesota; seconded by Councilmember Newton.

Jim Hughes explained the system as one that can notify our residents in Adair county in large scale emergencies. A typed message converts into a verbal message and will send the message to phone lines. It is not anticipated that any costs will be incurred for the system for three years.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Liquor License – My Bar

Councilmember Crist moved to approve a liquor license for My Bar, contingent upon the required inspections being satisfied and a business license obtained prior to opening; seconded by Councilmember Blesz.

City Manager Macomber explained this is a new license and is located in the former Hot Spot location at 120 South Main.

The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Council Comments

City Manager Macomber said the Kirksville R-III High School has had recent successful winnings in various sports, and asked the Council to consider if and how they wish to recognize them. This can be discussed at next Wednesday's Study Session.

ADJOURNMENT

There being no further business to come before the Council, Councilmember Newton moved to adjourn to an Executive Session regarding a real estate matter, RsMO 610.021(2), and a personnel matter RsMO 610.021(3); seconded by Councilmember Blesz. The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - aye; Crist - aye; McCord - aye; Blesz - aye. Nays - none.

Mayor Rowe adjourned the meeting at 7:15 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk