

**COUNCIL & STAFF PRESENT:**

Martha Rowe	Mayor
Tim Crist	Councilmember
Jill McCord	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Jim Hughes	Police Chief
Kris McKim	Assistant City Manager

**ABSENT:**

Dale Blesz	Councilmember
Jeff Newton	Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, November 1, 2006, at 5:30 p.m. in the City Hall Council Chambers.

**INVOCATION/PLEDGE**

Reverend Jim Robinson of the First United Methodist Church gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

**MINUTES**

Councilmember McCord moved to approve the minutes of the regular session of October 18, 2006, as distributed; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - absent; Crist - aye; McCord - aye; Blesz - absent. Nays - none.

**ORDER OF AGENDA**

No changes.

**INFORMATION PRESENTATIONS**

Mayor Rowe presented a framed proclamation to the Kirksville R-III Tigers Golf Team and coach; and a framed proclamation to the Kirksville R-III Tigers Softball Team and coaches.

**CITIZEN PARTICIPATION**

Lavonne Singley, 720 East Harrison, Apt 2, asked if contractors still have to be bonded to work in the city? A plumber left a mess in her backyard. She also asked if some of the low income housing could be made smoke free. The City Manager will check on this and call Ms. Singley.

Brenda Sewell, Uptown Café owner, said she agrees that smoking is bad for you. She said that when you make it smoke free in town, you are taking away the right of a business owner. This should go to the voters and get the true feeling of Kirksville. She finished by saying that if the smoke free ordinance passes, she would comply.

Melody Jennings, 19486 White Oak Trail, asked two of her school classes if the restaurant or bar of their choice went smoke free, would you still continue to go to that restaurant or bar?

They could answer anonymously, and out of 115 students, only 6 said they would not continue to go to that restaurant or bar.

Debbie Reese, 14527 U.S. Hwy 63, said we have lost several businesses in Kirksville, and doing something like the smoke ban could close some businesses. Adair Foods is owned by Philip Morris. The business owners should decide.

Brad Lowe, recently moved back to Kirksville, 1 Fairlane Drive, has three little ones and one on the way. He does not go to restaurants that allow smoking. If businesses go smoke free, he would make a point to go to that restaurant. He moved here from Montana, and almost the entire state of Montana has gone smoke free, and other places in Missouri have gone smoke free. Business has gone up in Montana.

Chelsea Walter, East Normal St, referenced Lawrence, Kansas' success of their restrictive smoking ordinance and reported their sales tax have held up. They have had their ordinance for two years. It is the Council's responsibility to pass this ordinance.

Lavonne Singley said she has sickness due to tobacco smoking.

### **ACTION PRESENTATIONS**

#### **BILL NO. 2006-36**

#### **AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING CITY ORDINANCE #11494, AND APPROVING THE FINAL PLAT FOR "TRACT "A" OF JAMISON PLANNED UNIT DEVELOPMENT KNOWN AS "THE VILLAGES," AN ADDITION IN THE CITY OF KIRKSVILLE, MISSOURI.**

Councilmember Crist moved to adopt Bill No. 2006-36 on first reading; seconded by Councilmember McCord.

City Manager Macomber explained this ordinance was submitted by legal counsel representing the Villages who found there was a discrepancy in the legal description. This ordinance corrects the legal description.

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

#### **MoDOT Agreement for Airport Improvements Funding**

Councilmember Crist moved to approve an agreement with the Missouri Highway and Transportation Commission to increase the amount of funds allocated for airport improvements; seconded by Councilmember McCord.

City Manager Macomber reported the State has allocated an additional funding of \$300,000 for airport improvements to replace the airport beacon, conduct a wildlife study, relocate the localizer, replace signs and wind cones, and fund a portion of the ARFF building, design and construct the pavement rehabilitation and maintenance for the runway. The City is required to pay five percent.

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

**MODOT Agreement for Enhancement Funding**

Councilmember McCord moved to approve an agreement with the Missouri Highway and Transportation Commission for a MODOT Enhancement Grant; seconded by Councilmember Crist.

Kris McKim explained one of the projects improves the sidewalks along the east side of Franklin from Normal to Washington Streets, including benches, a new sidewalk, street lighting and a bicycle lane, creating a nice pedestrian corridor between downtown and the TSU campus. The TIF will spend \$166,000 on this project.

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

**Airport Hangar Land Lease with Preferred Family Healthcare**

Councilmember Crist moved to approve the hangar lease with Preferred Family Healthcare, and authorize the Mayor to enter into the agreement; seconded by Councilmember McCord.

City Manager Macomber explained this hangar is on city owned property and was constructed by Ron Winkler. Preferred Family wishes to purchase the hangar from Ron Winkler, and they will continue leasing the land from the City.

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

**Appointments to Northeast Missouri Resource Conservation and Development Council**

Councilmember Crist moved to appoint Martha Rowe and Mari Macomber, as alternate, to the Northeast Missouri Resource Conservation and Development Council; seconded by Councilmember McCord.

City Manager Macomber reported that the city has been a member for quite some time, but not an active member. Usually the Regional Planning Commission representative, the Mayor, serves on this Council.

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

**Appointments to the Convention and Tourism Advisory Board**

Councilmember McCord moved to appoint Kris McKim and Mari Macomber to the Convention and Tourism Advisory Board.

Kris McKim reported that when the voters approved the lodging tax, the Council entered an agreement with the Chamber of Commerce to transfer funds to be used for tourism, and there be a nine member advisory board; two are to be appointed by the City Council.

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

**Second Reading of Ordinances**

**BILL NO. 2006-36**

**ORDINANCE NO. 11776**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING CITY ORDINANCE #11494, AND APPROVING THE FINAL PLAT FOR "TRACT "A" OF JAMISON PLANNED UNIT DEVELOPMENT KNOWN AS "THE VILLAGES," AN ADDITION IN THE CITY OF KIRKSVILLE, MISSOURI.**

**BE IT ORDAINED BY THE** City Council of the City of Kirksville, Missouri, as follows:

**WHEREAS**, the Final PLAT for Tract "A" of Jamison Planned Unit Development known as "**THE VILLAGES**," a proposed addition to the City of Kirksville, Adair County, Missouri, platting into streets, easements and lots the following described tract of land within the City limits:

A tract of land situated in Section 15, Township 62 North, Range 15 West of the 5th Principal Meridian, Adair County, Missouri, and being more particularly described as follows: Commencing at the South Quarter Corner of said Section 15; thence along said Quarter Section line, North 0 degrees 08 minutes 28 seconds West, a distance of 31.92 feet to the point of beginning of the description herein, TO-WIT: Thence continuing North along said line, a distance of 2608.96 feet; thence leaving said Quarter Section line, South 89 degrees 58 minutes 32 seconds East, a distance of 394.59 feet; thence North 16 degrees 05 minutes 56 seconds East, a distance of 249.18 feet; thence South 89 degrees 42 minutes 58 seconds East, a distance of 833.91 feet; thence South 0 degrees 20 minutes 40 seconds East, a distance of 235.00 feet; thence South 0 degrees 00 minutes 52 seconds West, a distance of 1575.03 feet; thence North 89 degrees 42 minutes 58 seconds West, a distance of 749.98 feet; thence South 0 degrees 21 minutes 13 seconds East, a distance of 1034.38 feet; thence South 89 degrees 38 minutes 47 seconds West, a distance of 548.61 feet to the point of beginning; containing 64.5 acres, more or less, which tract is a/k/a "Tract A" of the Jamison Planned Unit Development a/k/a "THE VILLAGES," which tract contains, inter alia, Lots 1 through 61 of "THE VILLAGES";

has been certified by Edward A. Cleaver, Licensed Surveyor Number 1241; and

WHEREAS, Petre/Roberts Enterprises, Inc. has executed its DEED OF DEDICATION AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and has executed its FIRST ADDENDUM thereto, inter alia, correcting a scrivener's error in the legal description of said Addition;

WHEREAS, said PLAT, DEED OF DEDICATION AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and FIRST ADDENDUM thereto have been recorded in the Recorder's Office of Adair County, Missouri;

WHEREAS, said PLAT has been FULLY APPROVED;

NOW, THEREFORE, Tract "A" of Jamison Planned Unit Development known as "**THE VILLAGES**," a proposed addition to the City of Kirksville, Adair County, Missouri, more particularly described as - - A tract of land situated in Section 15, Township 62 North, Range 15 West of the 5th Principal Meridian, Adair County, Missouri, and being more particularly described as follows: Commencing at the South Quarter Corner of said Section 15; thence along said Quarter

Section line, North 0 degrees 08 minutes 28 seconds West, a distance of 31.92 feet to the point of beginning of the description herein, TO-WIT: Thence continuing North along said line, a distance of 2608.96 feet; thence leaving said Quarter Section line, South 89 degrees 58 minutes 32 seconds East, a distance of 394.59 feet; thence North 16 degrees 05 minutes 56 seconds East, a distance of 249.18 feet; thence South 89 degrees 42 minutes 58 seconds East, a distance of 833.91 feet; thence South 0 degrees 20 minutes 40 seconds East, a distance of 235.00 feet; thence South 0 degrees 00 minutes 52 seconds West, a distance of 1575.03 feet; thence North 89 degrees 42 minutes 58 seconds West, a distance of 749.98 feet; thence South 0 degrees 21 minutes 13 seconds East, a distance of 1034.38 feet; thence South 89 degrees 38 minutes 47 seconds West, a distance of 548.61 feet to the point of beginning; containing 64.5 acres, more or less, which tract is a/k/a "Tract A" of the Jamison Planned Unit Development a/k/a "THE VILLAGES," which tract contains, inter alia, Lots 1 through 61 of "THE VILLAGES" - -

IS HEREBY APPROVED AND THE SAME, AS THE LEGAL DESCRIPTION HAS BEEN AMENDED AND CORRECTED, IS MADE AN ADDITION TO THE CITY OF KIRKSVILLE, Missouri, albeit that the other lands originally described in City Ordinance #11494, which has heretofore been recorded as Instrument # 01-3281, in Book 722, at Page 117, ARE HEREWITH WITHDRAWN FROM SAID ADDITION. The portions of the lands described hereof dedicated to the public are hereby ACCEPTED BY THE CITY of Kirksville. It is further ORDERED that this ORDINANCE be recorded in the land records of Adair County, Missouri.

Councilmember Crist moved to adopt Bill No. 2006-36 on second reading; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe - aye; Council members: Newton - absent; Crist - aye; McCord - aye; Blesz - absent. Nays - none.

#### **ADJOURNMENT**

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

Mayor Rowe adjourned the meeting at 6:09 p.m.

Vickie Brumbaugh, CMC, MRCC  
City Clerk