

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Tim Crist	Mayor Pro Tem
Ralph Cupelli	Councilmember
Jeff Newton	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Randy Behrens	Fire Chief
John Buckwalter	Public Works Director
Laura Guy	Finance Director
Kris McKim	Assistant City Manager

The City Council of the City of Kirksville, Missouri, met in a Special Session on Monday, March 27, 2006, at 3:30 p.m. in the City Hall Council Chambers.

City Manager Macomber asked that a Resolution regarding the publishing of a taxation rate for telephonic service, in accordance with HB 290, be added to the agenda as Item 10E.

**ACTION PRESENTATIONS**

**BILL NO. 2006-09**

**AN ORDINANCE AMENDING ORDINANCE NO. 11737, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2006 BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

Councilmember Newton moved to adopt Bill No. 2006-09 on first reading; seconded by Mayor Pro Tem Crist.

Finance Director Laura Guy reported the current budget contains \$50,000 for engineering services and \$300,000 in infrastructure improvement. The cost of the revitalization of the County Courthouse Square was estimated at \$374,792. The budget needs to be amended to include \$10,000 in miscellaneous contractual services and \$380,000 for construction and enhancements, increasing the budget by \$40,000.

City Manager Macomber added that the County Commission is required to pay for the relocation of the flag pole, and some minor landscaping.

The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

**Liquor Licenses – Purple Lizard LLC dba Chevalier’s Salamander Grill**

Councilmember Newton moved to approve a restaurant bar (Sunday sales) and sale of intoxicating liquor by the drink licenses to a new establishment – Purple Lizard LLC dba Chevalier’s Salamander Grill – located in the former Aileron’s at 2523 South Franklin Street; seconded by Mayor Pro Tem Crist.

The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

**Committee/Board Appointments**

City Manager Macomber reported that Greg Hunt does not wish to be considered as an employee at the Airport, but is interested in being appointed to the Airport and Transportation Commission.

City Manager Macomber advised the Council that if they wish to make a new appointment of John Rowe to the ATC, the Mayor may abstain from voting. [John Rowe resigned from an appointment to ATC made by the City Council on March 6, 2006.]

The City Manager further reported that there are two vacancies on the Highway 63 Transportation Commission – Bob Henselman and Ed Carpenter. Mr. Carpenter has already served the maximum terms and therefore cannot be reappointed. Councilmember Crist is available to fill the vacancy, and he has asked that the Council consider adopting a policy that when a member is no longer on the City Council, that another Council representative fill the position. The City Manager will bring the policy to the April 6<sup>th</sup> Special Council meeting.

Councilmember Cupelli moved to appoint Greg Hunt to the Airport and Transportation Commission; to appoint Tim Crist and re-appoint Bob Henselman to the Highway 63 Transportation Corporation; seconded by Councilmember Newton. The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

**Second Reading**

**BILL NO. 2006-09** **ORDINANCE NO. 11748**  
**AN ORDINANCE AMENDING ORDINANCE NO. 11737, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2006 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. That Section 1 of Ordinance No. 11737 be amended to read: The Annual Budget of the City of Kirksville, Missouri, aggregating \$23,409,298, for the fiscal year commencing January 1, 2006 and ending December 31, 2006, as submitted by the City Manager and incorporated herein by reference as is fully set out in this ordinance, is hereby approved.

SECTION 2. Revision to the original budget for the funding of the Adair County Courthouse Square Revitalization project necessitates the increase in expenditures of Fund 21, the Downtown Tax Increment Financing District Fund by \$40,000.

Councilmember Cupelli moved to adopt Bill No. 2006-09 on second reading; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

**BILL NO. 2006-10**

**RESOLUTION NO. R3-27-534**

**A RESOLUTION DIRECTING COMPLIANCE WITH SECTION 92.086.6 OF HB 209 PASSED IN 2005 BY PROMULGATING AND PUBLISHING THE RATE OF TAXATION FOR TELEPHONIC SERVICE UNDER APPENDIX C, ARTICLE IV FOR EXCHANGE TELEPHONE SERVICE IN THE CITY OF KIRKSVILLE CODE OF ORDINANCES.**

WHEREAS, in the 93<sup>rd</sup> General Assembly, HB 209, as perfected, passed and signed by the Governor, requires that municipalities promulgate and publish tax rates by April 1, 2006 in accordance with information to be supplied by the Director of Revenue in accordance with a formula set out in HB 209; and

WHEREAS, such tax rates are to be in accordance with HB 209, but HB 209 is the subject of a constitutional challenge before the Missouri Supreme Court which will be orally argued to the Court on April 6, 2006; and

WHEREAS, the City of Kirksville is desirous of complying with the law to publish and promulgate the new tax rate by April 1, 2006; and

WHEREAS, compliance pending the determination of the Court may be had by having on file with the City Clerk the tax rate that would become applicable on July 1, 2006 in the event HB 209 is declared valid.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CCITY OF KIRKSVILLE, MISSOURI AS FOLLOWS:

That the City Council of the City of Kirksville, Missouri, does hereby authorize and direct the City Manager and the Director of Finance to promulgate and publish by filing in the office of the City Clerk the tax rate that would be applicable to the tax imposed by City of Kirksville Code of Ordinance Appendix C, Article IV in the event HB 209 is found to be constitutional by the Missouri Supreme Court by April 1, 2006, as directed by Section 92.086.6 of HB 209. in the event HB 209 is not found to be constitutional, this Resolution may be held for naught and no change shall be made in the tax rate as set out in Appendix C, Article IV.

Councilmember Cupelli moved to approve Bill No. 2006-10; seconded by Mayor Pro Tem Crist.

Finance Director Laura Guy explained that the city will be receiving revenue from land line and cell phone use. The maximum tax rate is 5%. The City is required to approve a Resolution now, and publish the tax rate in the newspaper. An Ordinance will be required at a later date.

The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Rowe adjourned the meeting at 3:50 p.m.

Vickie Brumbaugh, CMC/MRCC, City Clerk