

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Jeff Newton	Councilmember
Tim Crist	Councilmember
Jill McCord	Councilmember
Dale Blesz	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Amy Elschlager	Deputy City Clerk
John Buckwalter	Public Works Director
Paul Frazier	Code Administrator
Jim Hughes	Police Chief
Kris McKim	Assistant City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, May 17, 2006, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION

Reverend Jim Robinson from the First United Methodist Church gave the Invocation.

PLEDGE

Cub Scout Pack 401 led the Pledge of Allegiance.

MINUTES

Councilmember Blesz moved to approve the minutes of the regular session of May 3, 2006, as distributed; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

ORDER OF AGENDA

No changes.

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

Howard Hickman, spoke on behalf of the KBSA Board, inviting the Council to the opening ceremony this Saturday at 10:30 a.m. at the ballfield.

ACTION PRESENTATIONS

BILL NO. 2006-17

AN ORDINANCE CALLING FOR AN ELECTION IN THE CITY OF KIRKSVILLE, MISSOURI, ON THE QUESTION OF WHETHER TO LEVY A TAX FOR THE PROMOTION OF TOURISM.

Councilmember Crist moved to adopt Bill No. 2006-17 on first reading; seconded by Councilmember Newton.

Kris McKim reported that a 3.6% tax to promote Kirksville would bring new dollars to the community. The tax is paid, largely by visitors, for a stay in a hotel/motel room in the city. The Chamber of Commerce has worked with the current lodging establishments to make sure they are supportive of the idea before approaching the Council to consider placing the tax question to the voters.

City Manager Macomber explained that the two bed and breakfast entities are considered as a hotel/motel and would charge the lodging tax. There was a question if it was anticipated the tax would increase in the future, and there are no plans to increase at this time.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

BILL NO. 2006-18

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

Councilmember Crist moved to adopt Bill No. 2006-18 on first reading; seconded by Councilmember Newton.

Police Chief Hughes reported this ordinance is a result of citizen requests.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

BILL NO. 2006-19

AN ORDINANCE REZONING REAL ESTATE HEREIN FROM R-1, SINGLE-FAMILY RESIDENTIAL, TO HIGH DENSITY CORRIDOR ZONING, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.

Councilmember McCord moved to adopt Bill No. 2006-19 on first reading; seconded by Councilmember Crist.

Code Administrator Frazier reported the rezoning request would allow Rental Service Corporation (RSC) to relocate their equipment rental and retail business at 3008 North Baltimore.

Jay Benson, representing the developers, Septagon Construction, presented a view of the type of facility that will be constructed on the land. He spoke of the advantages of corridor zoning.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

Weatherstone Subdivision Plat Variance

Councilmember Crist moved to approve a variance to the Weatherstone Subdivision plat, requested by Joe and Judy Schmid; seconded by Councilmember McCord.

Code Administrator Paul Frazier reported the variance will allow for construction of private driveways in the preexisting right-of-way to serve two lots for future development. The Planning and Zoning Commission approved the request, but required the current owners to amend their property deeds, or provide an attachment to those deeds, that informs future owners of their ownership and maintenance responsibilities. The deeds must contain language that states in the event the city would decide to build a street in the right-of-way area that the driveways are located, the city shall have the right to remove said driveway without reimbursement to the owners.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

Lodging Tax Agreement with Chamber of Commerce

Councilmember Blesz moved to authorize the Mayor to execute an agreement with the Chamber of Commerce for expenditure of Lodging Tax funds for promotion of tourism and to attract visitors and conventions, if passed by the voters on August 8; seconded by Councilmember Newton.

Kris McKim explained the agreement requires the city to collect the funds, and the Chamber will assume responsibility for expenditure of the funds to market the city as a location for meetings of 200 or less attendees, and other promotions. Alisa Kigar of the Chamber of Commerce was present.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

Farmers Market Street Use

Councilmember Crist moved to approve the use of city streets for Farmers Market, as a result of displacement due to the Courthouse Square Revitalization project; seconded by Councilmember Blesz.

Jim Hughes explained that as a result of the downtown improvement project around the courthouse, the Farmers Market will not have access to the north courthouse parking lot for approximately five weeks. It is requested that Elson Street, from Harrison to Washington, be blocked off for use of the Farmers Market during that period of time. The hours of blockage would be from 5:00 a.m. to 12:30 p.m.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

Jamison Street Reconstruction Agreement

Councilmember Newton moved to approve an agreement with Shafer, Kline & Warren, Inc. for surveying services to support in-house design for reconstruction of a section of Jamison Street; seconded by Councilmember Crist.

John Buckwalter reported the second phase of the Jamison Street reconstruction is included in the 2007 transportation sales tax fund. In order to complete the required design for construction in 2007, the survey work needs to be done this summer. City staff does not have the capability to do the survey in this time period, and therefore it is recommended that Shafer, Kline & Warren be approved to do the work at a cost of \$9,500.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

Committee/Board Appointments

City Manager Macomber presented a list of committee/board appointments ready to be made for May and June term expirations. There was a consensus of the Council to discuss the appointments at a future Study Session prior to making the appointments at a regular meeting.

Second Reading

BILL NO. 2006-17

ORDINANCE NO. 11754

AN ORDINANCE CALLING FOR AN ELECTION IN THE CITY OF KIRKSVILLE, MISSOURI, ON THE QUESTION OF WHETHER TO LEVY A TAX FOR THE PROMOTION OF TOURISM.

WHEREAS, the Kirksville Area Chamber of Commerce has determined the need for a lodging tax in order to establish a tourism and visitors program; and

WHEREAS, the lodging tax will be levied at 3.6% on each sleeping room occupied and rented by transient guests of hotel and motels located in the City of Kirksville; and

WHEREAS, said tax, subject to approval by a majority of qualified voters, will be levied commencing January 1, 2007.

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

Section 1. A general election is hereby ordered to be held in the City of Kirksville, Missouri concurrently with the general municipal election, on Tuesday, August 8, 2006 on the following question:

QUESTION

Shall the City of Kirksville, Missouri levy a tax of 3.6 percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the City of Kirksville, where the proceeds of which shall be expended for promotion of tourism?

Section 2. The passage of this tax will authorize the City to collect the lodging tax on behalf of the Kirksville Area Chamber of Commerce.

Section 3. A Lodging Tax Ordinance outlining the administration and collection of the tax will be approved by the City Council after passage.

Section 4. The City Clerk is hereby authorized and directed to notify the County Clerk of Adair County, Missouri of the passage of this Ordinance no later than 5:00 p.m. on Tuesday, May 30, 2006, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo, as amended.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

BILL NO. 2006

ORDINANCE NO. 11755

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

WHEREAS, citizen requests for a review of parking conditions near downtown resulted in a review of the parking availability/restrictions, and the associated written code contained in sections 15-346 and 15-350; and

WHEREAS, it was discovered that the recommended changes would improve the problems as identified in this review.

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

I. Chapter 15, Section-346 of the code is amended as follows:

Modify the section heading to read "Same-2:00 a.m. to 6:00 a.m. or 12:00 a.m. to 4:00 a.m. or 11:00 p.m. to 6:00 a.m."

Add as a new entry subsection (e) It shall be unlawful for any vehicle(s) to be parked in the city parking lot located in the mid 100 Block East Pierce, north side, between 11:00 p.m. and 6:00 a.m. Any vehicle in violation shall be subject to towing and fine or a combination of both.

II. Chapter 15, section 350 of the code is amended as follows:

Add as a new entry West Washington Street, south side of the 300 block. Space for two vehicles; 15 minute parking zone.

III. Effective Date

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

IV. 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.

BILL NO. 2006-19

ORDINANCE NO. 11756

AN ORDINANCE REZONING REAL ESTATE HEREIN FROM R-1, SINGLE-FAMILY RESIDENTIAL, TO HIGH DENSITY CORRIDOR ZONING, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.

WHEREAS, Ted Hodges, hereinafter referred to as Petitioner, is the owner of land addressed as 3008 North Baltimore Street, and commonly described as that area east of North Highway 63, north of the Hazel Creek Landscaping Business, and south of the Town and Country Meadows Subdivision and legally described as:

Beginning at the southwest corner of Lot 1, Town and Country Meadows Subdivision to Kirksville, Missouri, thence south along the right of way of State Highway 63 a distance of 360 feet, thence east 170 feet, thence north 360 feet, thence west 170 feet to the point of beginning.

WHEREAS, Petitioner has petitioned for the rezoning of the above described real estate from R-1, Single-Family Residential, under Chapter 25, Article VI of the Code of the City of Kirksville, to High Density Corridor Zoning, under Chapter 25, Article XXIII, Section 25-114 of said Code and the changing of the "zoning district map" as set forth under Article I of Chapter 25 of said Code in accordance therewith; and

WHEREAS, the aforesaid petition was duly referred to the Planning and Zoning Commission of the City of Kirksville, Missouri, for hearing, report and recommendation and it is the finding of this Council that the hearing was held by said Planning and Zoning Commission on May 10, 2006, and after hearing thereon, it is the recommendation of said Commission to this Council that the rezoning sought in the preceding paragraph be allowed; and

WHEREAS, development plans were submitted, reviewed and conditionally approved by said Commission; and

WHEREAS, the zoning change would allow for Rental Service Corporation (RSC) to relocate their equipment rental and retail business; and

WHEREAS, said plan is incorporated by reference into this ordinance and subject to the following conditions:

1. Detailed architectural/engineering plans and specifications be submitted to City Codes, Engineering, and Fire Departments for their approval addressing the following:
 - a. Updated site plan.
 - b. Stormwater management plans and building plans.
 - c. Landscaping/advertising signage plans.

WHEREAS, after due hearing herein, it is the finding of this Council that the greatest benefit can be derived for the City of Kirksville and the inhabitants thereof by granting of the above stated Petition to rezone, and the rezoning sought herein would not be detrimental or hazardous to the adjoining property owners or the inhabitants of the City of Kirksville, Missouri, as a whole but would in fact enhance the orderly development of said property; and

WHEREAS, it is the finding of this Council that all requirements of the Code of the City of Kirksville for the rezoning of the above real estate from R-1, Single-Family Residential to High Density Corridor Zoning has been met by Petitioner;

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

That the above described real estate be and the same is hereby rezoned from District R-1, Single-Family Residential, under Article VI of the Code of the City of Kirksville, to High

Density Corridor Zoning, as set forth under Article I, Section 25-5 of said Code, and the "Zoning District Map" as set forth under Article I of Section 25-6 of said Code be changed accordingly.

Councilmember Blesz moved to adopt Bill No. 2006-17, 2006-18 and 2006-19 on second reading; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers Blesz, aye; Crist, aye; McCord, aye; and Newton, aye. Nays, none.

COUNCIL COMMENTS

City Manager Macomber reminded everyone of the water line dedication ceremony in LaPlata this Friday. National Public Works Week is next week – tours on the 24th at 10:00 a.m. and 2:00 p.m., and a barbecue on Friday, the 26th, at noon.

Ms. Macomber said that previous Council's have chosen not to meet when two or more Councilmembers are out of town. She asked the Council to let Vickie know their schedules for being out of town.

Adjournment

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

Mayor Rowe adjourned the meeting at 6:07 p.m.

Vickie Brumbaugh, CMC/MRCC City Clerk

Noted as a part of the City Council minutes of May 17, 2006, (a permanent record) per State Statutes. This list is not required to be approved by the City Council, but required to be a part of a permanent document such as the Council minutes.

Other city departments have not responded as of this date.

ADMINISTRATION

GS 012 – General Correspondence 2003-2004 1 ½” stack of 8 ½ x 11 inches
GS 076 – Administrative Reports (Status Reports) 1 file folder

FIRE DEPARTMENT

Reports no records scheduled for destruction this year.

PARKS DEPARTMENT

Date: March 3, 2006

Re: Records To Be Destroyed

1) Pool Pass Receipt Book

a) 6/21/1999 – 7/31/1 999

b) 8/4/1999—9/11/2000

c) 3/31/2000 – 7/7/2000

d) 5/19/2000—6/14/2000

e) 6/15/2000—9/9/2000

f) 6/15/2000— 11/18/2000

g) 11/28/2000 – 4/18/2001

h) 5/1/2001 – 10/26/2001

i) 10/31/2001 – 6/25/2002

2) Admission & Concession Tapes

a) June 1999— November 1999

b) January 2001 – December 2001

c) January 2002 – December 2002

d) January 2003 – March 2003

3) Admission & Concession Cash Receipts and Tapes

a) 2000, 2001, 2002, 2003

4) Accounts Receivable (Invoices)

a) January – December 2000

b) January – December 2001

c) January – December 2003

d) January – December 2004

5) Purchase Orders

a) April 1999— April 2000

b) April 2000 – April 2001

6) Cash Receipt Control Sheet
a) January 2003 – March 31, 2004

7) Green Bar Voucher Payable
a) January 31, 1999— January 30, 2001

Vickie Brumbaugh, City Clerk,
CMC, MRCC