

**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
John Buckwalter	Public Works Director
Paul Frazier	Code Administrator
Laura Guy	Finance Director
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, August 16, 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 Newton moved to approve the minutes of the regular session of July 19, 2006, as distributed; seconded by Councilmember McCord. 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**

City Manager Mari Macomber asked that an additional item be added as Item F-1 – a bid from Damon Pursell for tree limb and brush grinding. She also pointed out that the name change on a liquor license was reworded to clarify the subject, therefore a revised agenda was typed and distributed.

**INFORMATION PRESENTATION**

Annette Sweet of AmerenUE reported they serve over one million customers in Missouri, and 8,500 customers in Kirksville. They are currently studying substations for upgrade in a year or two. AmerenUE donates \$10,000 for utility bill assistance per year, mostly to the Salvation Army and Community Action Agency. AmerenUE has not had a rate increase since 1988. Mrs. Sweet explained the various outdoor lighting available.

**CITIZEN PARTICIPATION**

None.

**ACTION PRESENTATIONS**

**BILL NO. 2006-27**

**RESOLUTION NO. R8-16-540**

**A RESOLUTION RECOGNIZING HAROLD BRAY, ANIMAL CONTROL OFFICER, UPON HIS RETIREMENT FOR 23 YEARS AND 6 MONTHS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.**

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

**WHEREAS**, Harold Bray has worked for the City of Kirksville Police Department since January 17, 1983; and

**WHEREAS**, Harold Bray has worked as a team player with the department and was always willing to assist in any manner with the achievement of departmental goals; and

**WHEREAS**, Harold Bray's performance of duties led to the health and safety of the citizens in the community; and

**WHEREAS**, Harold Bray has strived to ensure that animals in the community were rescued and/or removed from abusive homes; and

**WHEREAS**, Harold Bray has served the City of Kirksville to the best of his ability with honesty and integrity; and

**WHEREAS**, Harold Bray retired on July 24, 2006, after serving the City of Kirksville and its citizens for 23 years and 6 months.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council extends respect and appreciation on behalf of a grateful City to Harold Bray for his years of service.

Councilmember Blesz moved to approve Bill No. 2006-27; 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 presented a framed resolution to Harold Bray.

**BILL NO. 2006-28**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

Councilmember McCord moved to adopt Bill No. 2006-28 on first reading; seconded by Councilmember Newton.

City Manager Macomber reported this is an annual renewal of the Ordinance to comply with the Missouri Ethics Commission.

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

**BILL NO. 2006-29**

**AN ORDINANCE DECLARING THE RESULTS OF THE PRIMARY ELECTION FOR THE CITY OF KIRKSVILLE, MISSOURI, HELD ON AUGUST 8, 2006, AT WHICH TIME THERE WAS SUBMITTED TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION TO LEVY A TAX OF 3.6% ON EACH SLEEPING ROOM OCCUPIED AND RENTED BY TRANSIENT GUESTS OF HOTELS AND MOTELS LOCATED IN THE CITY OF KIRKSVILLE FOR THE PROMOTION OF TOURISM.**

Councilmember McCord moved to adopt Bill No. 2006-29 on first reading; seconded by Councilmember Crist.

City Manager Macomber explained that the City will collect the tax money, and the Chamber of Commerce will promote tourism, bringing conventions and meetings to town. The tax was passed by 67% of the voters. Local motels, hotels and bed and breakfast facilities were in favor of the lodging tax.

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

**BILL NO. 2006-30**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING ARTICLE XI SIGNS, CHAPTER 6, BUILDING AND BUILDING REGULATIONS; BY ADDING NEW DEFINITIONS AND BY ADDING SECTIONS RELATING TO SEARCHLIGHTS.**

Councilmember Crist moved to adopt Bill No. 2006-30 on first reading; seconded by Councilmember Blesz.

Code Administrator Paul Frazier explained that the Council directed staff to put together an ordinance that would place requirements on future search lights, not on the current search lights. The ordinance amendment places requirements on future search lights by limiting their use on a temporary basis of no more than seven consecutive days. The loads and installation have to meet sign code requirements. Future search lights will not be allowed to operate between 12:00 a.m. and 7:00 a.m.

Chad Mohler, 41 Kellwood Drive, stated that Travelers Hotel has violated the property rights of others by having the search lights.

Marcy Graham, 1303 Cottage Lane, thanked the Council for their responsiveness to the night team.

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

**Bid – Backhoe & Track hoe**

Councilmember Crist moved to approve the purchase of one backhoe and one track hoe from Crown Power, replacing units 327 and 328; seconded by Councilmember Newton.

Public Works Director John Buckwalter explained it is time for annual replacement of heavy equipment based on the scheduled program. Bids were taken on two backhoes. Recent projects have shown that a small track hoe is needed for water and sewer construction, especially in the downtown area. Staff proposes that one of the back hoes be replaced with a track hoe.

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

**Bid – Wheel Loader**

Councilmember Crist moved to approve the purchase of one wheel loader from Tri-State Construction at a cost of \$82,975; seconded by Councilmember Newton.

John Buckwalter reports this will replace the 1998 G-loaders used for loading aggregate, and spring and fall cleanup. The budget contained \$90,000. Mr. Buckwalter asked the Council to consider purchasing a grapple bucket from John Deere for a cost not to exceed \$5,358, still within the budgeted amount.

Councilmember Crist moved to amend the motion to include the purchase of a grapple bucket; seconded by Councilmember Newton. The motion carried by the following vote: Mayor Rowe—aye; Council members: Newton—aye; Crist—aye; McCord—aye; Blesz—aye. Nays—none.

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

**Bid – Tree Limb and Brush Grinding**

Councilmember Newton moved to approve a bid from Damon Pursell for tree limb and brush grinding, not to exceed 30 hours; seconded by Councilmember Crist.

John Buckwalter explained that the City contracts for tub grinding of wood waste each year, and last year 28 hours was used.

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

Mr. Buckwalter further reported that he is working on a plan to relocate the brush site on Burton Street to the landfill.

#### **Bid – Software and Suite Services**

Councilmember Newton moved to approve a contract with Affiliated Computer Services for municipal software suite and services at a cost of \$181,664; 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.

#### **Liquor License – K2 Restaurant Concepts**

Councilmember Crist moved to approve a liquor license for K2 Restaurant Concepts, Incorporated, to be located at 119 South Elson, formerly known as the Journal Printing building; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe—aye; Council members: Newton—aye; Crist—aye; McCord—aye; Blesz—aye. Nays—none.

#### **Liquor License Name Change on License**

Councilmember Crist moved to approve a name change correction on two liquor licenses, corrected as Pungo Jungo, Inc. d/b/a Travelers Square; seconded by Councilmember Newton.

Finance Director Laura Guy reported that the licenses were originally issued in June. The owner has asked that the name of the business be changed on the licenses.

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

#### **Committee/Board Reappointments**

Councilmember McCord moved to reappoint Dick Roberts, Jim Wagner and Roger Rosenberg to the Airport and Transportation Commission; 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.

**Second Reading**

**BILL NO. 2006-28**

**ORDINANCE NO. 11770**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH  
A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND  
SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE,  
MISSOURI, AS FOLLOWS:

Section 1. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest. The Mayor or any members of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision, and

B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

C. The City Manager also shall disclose by May 1 for the previous calendar year the following information:

I. The name and address of each of the employers of such person from who income of one thousand dollars or more was received during the year covered by the statement.

II. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

III. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports shall be filed with the City Clerk and with the Missouri Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year.

A. Each person appointed to office shall file the statement within thirty days of such appointment or employment.

B. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. When this ordinance is adopted, the City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption and prior to September 15, 2006.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

**BILL NO. 2006-29** **ORDINANCE NO. 11771**  
**AN ORDINANCE DECLARING THE RESULTS OF THE PRIMARY ELECTION FOR THE CITY OF KIRKSVILLE, MISSOURI, HELD ON AUGUST 8, 2006, AT WHICH TIME THERE WAS SUBMITTED TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION TO LEVY A TAX OF 3.6% ON EACH SLEEPING ROOM OCCUPIED AND RENTED BY TRANSIENT GUESTS OF HOTELS AND MOTELS LOCATED IN THE CITY OF KIRKSVILLE FOR THE PROMOTION OF TOURISM.**

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

Section 1.

YES	939
NO	464
TOTAL	1,403

Section 2. That it is hereby found that the question to levy a tax of 3.6% on each sleeping room occupied and rented by transient guests of hotels and motels located in the City of Kirksville for the promotion of tourism passed by a vote of 939 for, and 464 against.

Section 3. That it further found, declared and determined that notice of said election was duly given and published in a manner provided by law, and that said election was held and conducted in all respects in conformity with the Constitution and laws of the State of Missouri.

**BILL NO. 2006-30** **ORDINANCE NO. 11772**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING ARTICLE XI SIGNS, CHAPTER 6, BUILDING AND BUILDING REGULATIONS; BY ADDING NEW DEFINITIONS AND BY ADDING SECTIONS RELATING TO SEARCHLIGHTS; AND**

**WHEREAS, THE CITY COUNCIL FINDS THAT SEARCHLIGHTS HAVE SECONDARY EFFECTS WHICH ARE DETRIMENTAL TO THE PUBLIC; AND**

**WHEREAS, THE CITY COUNCIL FINDS IT REASONABLE TO REGULATE THE FUTURE USE OF SEARCHLIGHTS;**

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

Section 1. That Article XI, Signs of Chapter 6, of the City Code, be amended to include definitions related to searchlights, to read as follows:

**ARTICLE XI. SIGNS**

**Sec. 6-163. Definitions.**

Searchlight – An apparatus containing a light source and a reflector for projecting a high-intensity beam or beams of approximately parallel rays of light. A searchlight is considered to be an advertisement or an attention attracting device and is subject to all sign permitting processes.

Sign – Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter contained thereon, which shall include paint on the surface of the building when used for the purposes of advertising. This shall include, but is not limited to pole signs, billboard or poster panels, illuminated signs, marquee signs, roof signs, searchlights, electric signs, wall signs, and projecting signs. Murals shall not be considered signs. Signs normally consists of four (4) types:

1. Freestanding sign: An off-premise sign erected on a freestanding framework supported and affixed by one (1) or more uprights or braces in or upon the ground.
2. Canopy signs and projecting signs. A sign affixed to a building or structure not mounted flush with a wall.
3. Temporary Sign. Any sign which may not have any structural support, footing, foundation, pier, pole, grade beam or any other accepted method of frost heave prevention. It may include any sign which is not designated or manufactured to be permanently anchored or affixed to the ground, building or structure, but rather is designed or primarily used as a sign which is moveable from place to place. This shall include, but is not limited to, signs affixed to a trailer or other portable structure, and "A" frame or sandwich signs and yellow-flashing signs. This shall include signs of a material such as cardboard, paper, pressed woods, plastic or metal which is attached to a fence, tree, or temporary structure.
4. Wall sign. Any sign attached to and erected parallel to and/or within one (1) foot of the face or wall of a building, including signs painted on the walls of buildings.

Section 2. That Article XI, Signs of Chapter 6, Sections 6-164 and 6-165 of the City Code, be amended to read as follows:

ARTICLE XI SIGNS.

Sec. 6-164 Where Permitted.

Temporary signs – Temporary signs, except sandwich board signs, and searchlights are prohibited. (Exception see page 12 item b. temporary signs.)

Sec. 6-165 Temporary Signs.

ADD following item c of Banners:

Searchlights: Searchlights shall be regulated in the following manner:

- a. Searchlights may be permitted in accordance with the following applicable regulations. A permit for the use of a searchlight, or a searchlight to be used as an attention attracting device may be granted under the following additional regulations:
  1. A searchlight shall be located a minimum distance of 50 feet from a public right-of-way and positioned so as to project all beams at a minimum angle of 45° degrees from grade level, and roof level.
  2. The maximum light intensity generated by searchlights on any premises may not exceed a total of 1.6 million foot candlepower. No more than four beams of light may be projected from any premises.
  3. All searchlights must be designed and maintained and focused so as to prevent rays of light from being directed at any portion of the rights-of-way or adjoining property, and no light shall be of such intensity or brilliance to cause glare to impair the vision of the driver of any vehicle, or to create greater than 0.5 foot candles at 4 feet height at the property line.
  4. No searchlight may be operated between the hours of 12:00 a.m. and 7:00 a.m.
  5. No searchlight may be operated on a premise(s) for more than seven (7) consecutive days. No permit for a searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the six months preceding the date of the permit application.
  6. Searchlights may be used in commercial zones only.

Section 3. 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 amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

Councilmember Newton moved to adopt Bill No. 2006-28, 2006-29 and 2006-30 on second reading; 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.

**Council Comments**

City Manager Macomber announced that the next Council Study Session will be held at the Airport on August 23.

The property tax information has been received and a public hearing will be held at 5:30 p.m. on Wednesday, August 30 in the City Hall Council Chambers, and then the Council will hold a public forum at the Mehegan Classroom at 7:00 p.m.

Mrs. Macomber asked the Council to respond with available dates in September to hold a retreat the week after Labor Day, tentatively scheduled at 3:00 p.m. on Wednesday, September 6, in the second floor conference room..

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Rowe adjourned the meeting at 6:35pm.

Vickie Brumbaugh, CMC, MRCC  
City Clerk