

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
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Wednesday, September 20, 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 special session of August 30, the public hearing of August 30 and the regular session of September 6, 2006, as distributed; 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.

ORDER OF AGENDA

Mari Macomber announced that Item 9-B, Ordinance amending Chapters 15 and 18 of the Municipal Code, has been revised with copies distributed in front of the Council. She would also like to discuss under "Other Items", proposed goals, and a letter to business owners and operators regarding a smoking ban.

INFORMATION PRESENTATION

Mayor Rowe read and presented a proclamation recognizing Jim Spalding on winning the 2006 Masters World Highland Championship for the third straight year.

CITIZEN PARTICIPATION

None.

ACTION PRESENTATIONS

BILL NO. 2006-32

ORDINANCE NO. 11774

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. 2006-32 on first reading; seconded by Councilmember McCord.

Chief Hughes reported this is a result of a citizen request to modify parking on West Dodson, which restricts parking on one side for a couple of blocks.

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

BILL NO. 2006-33

ORDINANCE NO. 11775

AN ORDINANCE AMENDING CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC; AMENDING CHAPTER 18 - OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI; AND ADDING A NEW CHAPTER - DRUG POSSESSION AND PARAPHERNALIA TO THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI.

Councilmember Newton moved to adopt Bill No. 2006-33 on first reading; seconded by Councilmember Crist.

Jim Hughes reported this ordinance adopts state laws into the City Code to allow for additional violations to be written into Municipal Court.

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

TSU Homecoming Parade – October 21

Councilmember Blesz moved to approve the use of city streets for the Truman State University Homecoming parade and the 21st annual Bulldog 5K race on October 21; seconded by Councilmember Newton.

Chief Hughes reported there are no significant changes from the past years. Although there was a request for street blockage for fireworks, he recommended not doing a formal presentation since it will only last 10 to 15 minutes. The Police Department will block off the street for that time period.

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 to Telecommunications Commission

Councilmember McCord moved to reappoint Vern Playle, Jackie Eaton and Kevin Baiotto to the Telecommunications Commission for a three-year term; 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.

Second Reading

BILL NO. 2006-32

ORDINANCE NO. 11774

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, a citizen request for a review of the parking conditions on West Dodson resulted in a review of the parking availability/restrictions, and the associated written code contained in sections 15-345; and

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

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

I. Chapter 15, Section-345 of the code is amended as follows:

Add as a new entry West Dodson, south side, from South First Street to South Wabash Street.

II. Effective Date

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

III. 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. 2006-33

ORDINANCE NO. 11775

AN ORDINANCE AMENDING CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC; AMENDING CHAPTER 18 - OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI; AND ADDING A NEW CHAPTER - DRUG POSSESSION AND PARAPHERNALIA TO THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, Kirksville Police Officers, engaged in enforcement activities, are currently required to write two different types of court summonses, depending on the court of jurisdiction for the particular ordinance/statute; and

WHEREAS, many of the violations, and subsequent summonses, that occur in the City of Kirksville, are actually written into State Court; and

WHEREAS, the current system is cumbersome and inefficient; and

WHEREAS, the City Police Department would prefer to charge, where appropriate, the most common ordinance violations into the City of Kirksville Municipal Court; and

WHEREAS, the proposed changes are recommended to more effectively/efficiently bring the written code into compliance with recommendations to resolve the problem.

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

Section 1. That Chapter 15 of the Code of Ordinances of the City of Kirksville, Missouri, be amended to include the following additions:

A. Operating a motor vehicle without a driver license.

(a) It is unlawful for any person to operate a motor vehicle upon any street in the city unless such person has a valid Missouri driver license or unless such person is legally licensed to operate a motor vehicle in the state of his residence.

(b) It is unlawful for any person to operate a motorcycle or motorcyle upon any street in the city unless such person has passed an examination for the operation of a motorcycle or motorcyle as prescribed by the Missouri director of revenue or unless such person is legally licensed to operate a motorcycle or motorcyle in the state of his residence.

B. Driving a motor vehicle while driver license suspended or revoked.

It is unlawful for any person to drive a motor vehicle upon any street in the city while such person's license and driving privilege as a Missouri resident or nonresident has been canceled, suspended or revoked under the provisions of Missouri law.

C. Failure to exhibit proof of insurance.

(a) It is unlawful for any person operating a motor vehicle in the city to fail to exhibit proof of motor vehicle liability insurance on the demand of any peace officer who lawfully stops such operator or investigates an accident involving the vehicle while the officer is engaged in the performance of the officer's duties. The operator of a motor vehicle shall exhibit proof of motor vehicle liability insurance by presenting to the officer one of the following documents showing that the motor vehicle is covered by motor vehicle liability insurance:

(1) The insurance identification card required by the state to be carried in an insured motor vehicle at all times,

- (2) A motor vehicle liability insurance policy,
- (3) A motor vehicle liability insurance binder, or
- (4) A receipt which contains the policy information required on the insurance identification card required by the state to be carried in an insured motor vehicle at all times.

(b) No person shall be found guilty of violating this section if the person demonstrates to the court that the person met the financial responsibility requirements of section 303.025 RSMo at the time of the alleged violation.

D. Lights on vehicles--Generally.

(a) All vehicles being operated on the streets of the city between the time of one-half hour after sunset and one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred (500) feet ahead, shall be equipped with and have in operation, headlights and tail lights, as provided by state law.

State law reference(s)--Similar provisions, RSMo. §§ 307.020(9), 307.110.

E. Display of state license plates

No motor vehicle or trailer shall be operated on any highway of the City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue and authorized by Section 301.140, RsMo. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more that forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motor-tricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors license in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight(48) inches above the ground, with the letters and numbers thereon right side up. The license plate or plates authorized by Section 301.140 RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

F. Duties of drivers meeting or overtaking school buses; required marking.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped on the street for the purpose of receiving or discharging any school children, and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop While Bus Is Loading and Unloading." Each school bus shall be equipped with a mechanical or electrical signaling device, which will display a signal plainly visible from the front and rear indicating intention to stop.

Section 2. That Chapter 15, Article V Operation, Section 154, paragraph (b) be repealed and replaced with the following:

(b) As used in this article, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041 RSMo.

Section 3. That Chapter 18, Article IV – Offenses Against Property - of the Code of Ordinances of the City of Kirksville, Missouri, be amended to include the following addition:

Section 18-65.2 Peeping toms.

It shall be unlawful for any person found in the city trespassing upon the premises of another whereon is located a dwelling house during the hours between one hour after sunset and one hour before sunrise, such person being upon such premises and being then and there engaged in peeping or peering into such dwelling house, or being upon such premises with the intention of peeping or peering into such dwelling house.

Section 4. That a new Chapter be added to the Code of Ordinances to reflect the following:

A. Possession of thirty-five grams or less of marijuana

It shall be unlawful for any person to possess thirty-five (35) grams or less of marijuana or cannabis in any species or form thereof, including but not limited to cannabis sativa L., or five (5) grams or less of hashish.

B. Possession of drug paraphernalia.

- (a) It shall be unlawful for any person to possess drug paraphernalia.
- (b) For purposes of this section, "drug paraphernalia" means any object which has been used for or is intended for use in inhaling, injecting, ingesting or otherwise introducing into the human body a controlled substance as defined by the statutes of the State of Missouri. In determining whether an object is drug paraphernalia, a court should consider, in addition to other logically relevant factors, the proximity of the object to a controlled substance and the existence of any residue of a controlled substance found on or in the object.

Section 5. Effective Date

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

Section 6. 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, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Councilmember Crist moved to adopt Bill Nos. 2006-32 and 2006-33 on second reading; 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.

Other Items

Mari Macomber reported the Council will bring back the 2007 goals with a strategy to next Wednesday's study session.

City Manager Macomber stated that the Council talked in an earlier Study Session that they wish to do a letter to business owners and operators regarding the smoking ban in public places. She reminded them that letters were mailed to the landlords when the rental housing topic was being discussed. Ms. Macomber distributed the brief letter to the Council, asking them to read it. Councilmember Crist stated that he likes the idea of Lee's Summit putting the question on the ballot, and therefore said this should go to the voters. He asked that any decisions be held off until Councilmembers attend the Missouri Municipal League panel discussion at the MML Conference in October. There was a consensus of the Council to hold off sending any letter until after the MML

Conference. Mayor Rowe and Councilmember McCord will be attending the Conference.

Councilmember Blesz said the people placed their faith in the Council to make these type of decisions.

There was a consensus of the City Council to hold a Study Session at 3:00 p.m. on October 9 to discuss a smoke free ordinance. This will allow the Council, who are attending the MML Conference, to report back.

Councilmember McCord thanked city staff for providing the Council agenda packet electronically.

Council Comments

None.

ADJOURNMENT

There being no further business to come before the Council, Mayor Rowe adjourned the meeting at 6:00 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk