

JOURNAL OF THE CITY COUNCIL

Regular Session – December 5, 2005

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Tim Crist	Mayor Pro Tem
Ralph Cupelli	Councilmember
Jeff Newton	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Engineer/Public Works Director
Laura Guy	Finance Director
Jim Hughes	Police Chief
Kris McKim	Assistant City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, December 5, 2005, at 7:00 p.m. in the City Hall Council Chambers.

INVOCATION

Reverend Aaron Rodgerson, Southside Baptist Church, gave the Invocation.

PLEDGE

Boy Scout Troop 404 led the Pledge of Allegiance.

MINUTES

Councilmember Cupelli moved to approve the minutes of November 21, 2005, as distributed; 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.

ORDER OF THE AGENDA

City Manager Macomber stated that if the Council would like to make appointments to the Lakes, Parks and Recreation Commission, they may add it as Item 9 D on tonight's agenda.

INFORMATION PRESENTATION

City Manager Macomber reported this is the 18th consecutive year that the City of Kirksville has received the Distinguished Budget Award from the Government Finance Officers Association. Mayor Rowe presented the plaque award to Laura Guy.

CITIZEN PARTICIPATION

None

ACTION PRESENTATION

BILL NO. 2005-64

AN ORDINANCE TO OPT OUT OF THE STATE IMPOSED SALES TAX HOLIDAY.

Councilmember Cupelli moved to adopt Bill NO. 2005-64 on first reading; seconded by Councilmember Newton.

Finance Director Laura Guy explained that the City opted out in August 2004, which automatically opted out 2005. The State now allows cities to make a choice to opt out or not for all future sales tax holidays. Staff recommends opting out and keep the sales tax that is used for street improvements, and the Highway 63 Corporation ½ cent sales tax which would lose approximately \$7,000 in sales tax funding if the city did not opt out. The City can rescind this ordinance at any time it is determined that it would be in the best interest of the City.

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

North Annexation Sewer Improvements Change Order

Councilmember Newton moved to authorize the City Manager to execute a change order with Willis Brothers for the North Annexation sewer improvements; seconded by Councilmember Cupelli.

John Buckwalter reported the Council approved a contract with Willis Brothers last June with an anticipated requirement for a change order for the addition of casing pipe and upsizing of the generator for the Town and Country lift station. The change order is for \$42,772.50 which also includes the moving of the gravity main on Lincoln from private easements to the MoDOT right-of-way to preserve citizens' front yards.

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. 2005-64

ORDINANCE NO. 11736

AN ORDINANCE TO OPT OUT OF THE STATE IMPOSED SALES TAX HOLIDAY.

WHEREAS, the Missouri General Assembly has passed and the Governor has signed, House Bill 64 that establishes a so-called "sales tax holiday" for the first weekend in August, and

WHEREAS, the legislation does not provide for the reimbursement to local governments for lost revenues, and

WHEREAS, the sales tax holiday will significantly reduce local revenues, and

WHEREAS, municipalities depend on sales tax revenues to provide essential services for the citizens, including police, fire, parks, streets, code enforcement, etc., and

WHEREAS, these sales taxes were approved by a vote of the people who expect the promised services, and

WHEREAS, the legislation authorizes local governments to opt out of the sales tax holiday by ordinance of the governing body,

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

SECTION ONE: The City of Kirksville hereby determines that it will prohibit the provisions of Section 144.049 RSMo., 2005, from exempting sales of certain clothing, personal computers, certain computer software and school supplies that occur within the boundaries of said City beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following from local sales taxes.

SECTION TWO: The City Clerk is hereby directed to send written notice to the State of Missouri Department of Revenue as soon as possible, but no later than June 15, 2006, of the decision to opt out of the "Sales Tax Holiday," by forwarding a cover letter and certified copy of this ordinance.

SECTION THREE: This ordinance shall be in full force and effect from and after its date of passage.

READ TWO TIMES, ADOPTED AND APPROVED by the City Council of the City of Kirksville, Missouri, and signed by the Mayor this 5th day of December, 2005.

Councilmember Cupelli moved to adopt Bill No. 2005-64 on second reading; 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.

Committee/Board Appointments

Councilmember Cupelli moved to reappoint Elaine Scudder and Steve Kolb to the Lakes, Parks and Recreation Commission; 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.

Adjournment

Mayor Pro Tem Crist moved to adjourn to an Executive Session regarding a real estate matter, RsMO 610.021(2); seconded by Councilmember Cupelli. The motion carried by the following vote: Mayor Rowe, aye; Mayor Pro Tem Crist, aye; Councilmember Cupelli, aye; Councilmember Newton, aye. Nays, none.

Mayor Rowe adjourned the meeting at 7:15 p.m.

Vickie Brumbaugh, CMC, MRCC