

# JOURNAL OF THE CITY COUNCIL

*Special Session - January 17, 2005*

## COUNCIL AND STAFF PRESENT:

Debbie Masten	Mayor
Ralph Cupelli	Mayor Pro Tem
Tim Crist	Councilmember
Martha Rowe	Councilmember
Rich Scott	Councilmember
Mari E. Macomber	City Manager
John Buckwalter	City Engineer
Mark Gaugh	Public Works Director
Laura Guy	Finance Director
Jim Hughes	Police Chief
Kris McKim	Economic Development Director

The City Council of the City of Kirksville, Missouri, met in Special Session on Monday, January 17, 2005, at 7:00 p.m. in the Kirksville R-III Middle School, 1515 South Cottage Grove.

## **INVOCATION**

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

## **ACTION PRESENTATIONS**

Mayor Masten asked the staff to hand out a map, financial and facts information.

### **Rescind Motion for Hazel Creek Land Sale**

Mayor Pro Tem Cupelli moved to reconsider Council's action of December 20, 2004, to sell Hazel Creek property, that the land be retained for the protection of the lake and that the City Manager and City Attorney be requested to explore the available options and they report their findings to the Council at their next regular meeting on January 24, 2005; seconded by Councilmember Rowe. The motion failed by the following vote: Mayor Masten, nay; Mayor Pro Tem Cupelli, aye; Councilmember Crist, nay; Councilmember Rowe, aye; Councilmember Scott, nay. Nays - 3; ayes - 2.

Mayor Masten explained the information sheets on Hazel Creek were put together by staff and Council. The Mayor pointed out that the Hazel Creek watershed includes 4,500 acres and Forest Lake is over 8,800 acres, and the sale effects only 3.2 percent of our total watershed. She stated that the Council met in an Executive Session on December 15, 2004, to discuss the sale of land at Hazel Creek; and the Council voted at their regular meeting of December 20, 2004, to sell the land at Hazel Creek. Councilmember Scott reviewed the financial information from 1992 to the present. Revenues exceeded the City's expenditures from 1992 to 1999. In 2000, the city's expenditures exceeded the revenues; in 2001, by \$100,000; in 2002, by \$400,000; by 2003, \$100,000; by 2004, \$1.8 million; by 2005, between April and December, \$700,000.

Mayor Pro Tem Cupelli objected to the information being handed out, citing that he and Councilmember Rowe were not involved with the preparation of the documents. He said that selling the land is not a way to take care of the water fund loss.

Ron Gaber, Chairperson of the Concerned Citizens Committee, asked the Council to reconsider

the sale of land at Hazel Creek Lake. This Committee first met on December 22, 2004, consisting of land owners, realtors, business people. They have met several times since then. They held a public meeting on December 30, and 100 people were present. He referenced the draft Watershed Plan.

Ed Carpenter said that the Council was working on the fencing at Hazel Creek when he was on the Council.

Harriett Beard, representing Community Betterment, referenced the 1975 Comprehensive Plan that provided for a study to be done for an alternative water source, and the Hazel Creek option was chosen. In July of 1980, the Council passed a Resolution that the City, and there would be no motors used except for trolling motors. Trust was placed with that Council and future Council's to keep their watershed clean. She asked the Council to reconsider selling the Hazel Creek property.

Mayor Pro Tem Cupelli noted that the property cost \$100 more per acre when the City bought it, than what the city is selling it for now. Councilmember Crist cited appraisal factors, such as comparable sales at the time.

Scott Ellis, TSU Science Division Head, and owns 40 acres of land west of the Hazel Creek Reservoir, said the watershed should be managed for high water quality to minimize water treatment costs, to maximize the reservoir lifespan and to bring economic value to the area. He asked the Council to consider other options, instead of selling the Hazel Creek land.

Lavonne Singley, said there has been a lot of deterioration at Hazel Creek, and that the city needs to be concerned about the water supply and quality.

Darcy Cashatt, Missouri Department of Conservation, former Hazel Creek Reservoir fisheries management, stated that treatment costs are increasing. She also has served on the Watershed Committees for the Longbranch Lake and Sugar Creek Lake. The Hazel Creek Lake has been featured in a lot of nation-wide magazines, as a reservoir worth traveling to for its fishing. The land surrounding the lake is the only piece large enough for public hunting. If you keep the water quality high, you keep the treatment costs low.

Ray Klinginsmith asked if the sale contract is in the best interest of the public. He noted there are not enough restrictions to protect the water, and no restrictions on the density of cattle. He presented some options - to pay a reasonable compensation to buy the contract out; break the contract and possibility of exercising right of domain.

Mayor Masten asked the City Attorney if the contract can be voided, and Mr. Hickman said he did not believe the contract could be voided.

Dr. Phil Slocum asked if the Department of Natural Resources had access to the city's records, and endorse the sale of the Hazel Creek watershed property? He strongly urged the Council to reconsider the recent action to sell the Hazel Creek land.

Dirk Franklin said that he saw a cow drinking in the Hazel Creek Lake, and noticed a cut fence

where a landowner was using for access to the lake for cattle. He said the Council is not listening to the people. The Hazel Creek issue should be voted on.

Mary Jo Scott asked if the people present tonight have talked to the other people who own land around the Hazel Creek lake?

Sterling Ruddy said why is it, the people do not get involved until there is a hot issue?

Mayor Pro Tem Cupelli moved to continue the meeting to hear comments: seconded by Councilmember Rowe. The motion failed by the following vote: Mayor Masten - nay; Mayor Pro Tem Cupelli - aye; Councilmember Crist - nay; Councilmember Rowe - aye; Councilmember Scott - nay. Nays - 3; ayes - 2.

Mayor Masten pointed out other difficult situations such as closing of the Aquatic Center until spring; selling the former Parks and Recreation building, and the annex building. She said the Council is trying not to pass the debt onto the taxpayers by not raising rates for water and sewer.

### **Closing Date Change for Hazel Creek Land Sale**

Councilmember Crist moved to change the closing date for the sale of the Hazel Creek land; seconded by Councilmember Scott.

Mayor Pro Tem Cupelli asked what is the hurry to close on the sale?

Frank Oberle stated the public is crying out tonight. The Council is disregarding something that is so valuable to the people. Mr. Oberle said he has never seen this many people united and pleading, we don't want waste water going into our drinking water. He urged the Council to reconsider.

Karen Harmon said that the public's health is important.

Jim Allen, an adjoining land owner, said the Council is not listening to or representing the people.

Perry Easley, lived here since 1963, [could not hear clearly on tape].

Kim Galloway said there was no bidding process on the purchase of this land.

Ray Ivy, City Administrator of LaPlata, said that as a future water customer, he is concerned about the environmental impact.

Cliff Mayberry said there should be a conditional fee clause.

Kim Bailey said there is a need for more community involvement in city government.

Elaine Scudder, a member of the Lakes, Parks and Recreation Committee, said this matter was not on their committee's agenda as the Mayor stated.

Thomas Morrow said he does not want the closing date changed. The City should manage the

land, increase the wildlife and make dollars from hunters on the land who come here from other areas.

Frank Wayman said we should respect the decision of the Council.

Lavonne Singley said the City should be saving dollars instead of selling assets.

Councilmember Rowe said that dollars are available and the city does not have to sell an valuable asset.

Eric Jewell said that water fees could be raised.

Mike Kelrick said the closing date should be postponed indefinitely. Was the city staff consulted about the sale of the property?

Charles Lemley spoke regarding other acreage for sale in the watershed.

The motion to change the closing date on the sale of the Hazel Creek land carried by the following vote: Mayor Masten - aye; Mayor Pro Tem Cupelli - nay; Councilmember Crist - aye; Councilmember Rowe - nay; Councilmember Scott - aye. Ayes - 3; nays - 2.

### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Masten adjourned the meeting at 9:00 p.m.

Transcribed from notes and tapes  
by Vickie Brumbaugh, CMC, MRCC