

JOURNAL OF THE CITY COUNCIL

Regular Session - October 24, 2005

COUNCIL & STAFF PRESENT:

Tim Crist	Mayor Pro Tem
Martha Rowe	Councilmember
Ron Stewart	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 Kirkville, Missouri, met in a Regular Session on Monday, October 24, 2005, at 7:00 p.m. in the City Hall Council Chambers.

INVOCATION

Reverend Robert Fredricks, of the First Assembly of God Church, gave the Invocation.

PLEDGE

Mayor Pro Tem Crist led the Pledge of Allegiance.

MINUTES

Mayor Pro Tem Crist asked for corrections or changes to the minutes of the Regular Session of September 26, and Special Sessions of October 10 and 17, 2005. Councilmember Stewart moved to approve the minutes as distributed; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Stewart, aye. Nays, none.

ORDER OF THE AGENDA

City Manager Macomber asked that Item H - appointments to Committees and boards - be removed; and that Item I - second reading of ordinances - be moved to follow Item E.

INFORMATION PRESENTATION/PUBLIC HEARING

Audit Presentation - Since the representative of the auditing firm had not arrived yet, the Council proceeded with the agenda.

Public Hearing - Oakland Avenue

Mayor Pro Tem Crist opened the public hearing at 7:05 p.m. regarding vacation of Oakland Avenue, north of the north right-of-way of Monroe Street. There being no citizen comments, Mayor Pro Tem Crist closed the public hearing at 7:07 p.m.

CITIZEN PARTICIPATION

Sondra Murray, 2604 South High Street, addressed the Council regarding the makeup of future Councilmembers.

ACTION PRESENTATIONS

BILL NO. 2005-56

RESOLUTION NO. R10-24-527

A RESOLUTION OF THE CITY COUNCIL OF KIRKSVILLE, MISSOURI, AUTHORIZING THE MAYOR PRO TEM TO EXECUTE AN AMENDED LEASE AGREEMENT FOR THE 3010 INDUSTRIAL ROAD PROPERTY.

WHEREAS, the City of Kirksville purchased the 3010 Industrial Road property in June 2003, to further economic development efforts in Kirksville; and

WHEREAS, Commercial Envelope Manufacturing Co., Inc. desires to lease the 3010 Industrial Road property for use as a manufacturing facility; and

WHEREAS, certain environmental issues needed to be addressed and required modification to the original lease agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KIRKSVILLE, THAT THE Mayor Pro Tem is authorized to execute an amended Lease Agreement with Commercial Envelope Manufacturing Co., Inc. for the 3010 Industrial Road property.

Councilmember Stewart moved to approve Bill No. 2005-56; seconded by Councilmember Rowe.

Kris McKim reported that the City Council approved a lease purchase agreement with Commercial Envelope at their regular meeting last month. Some environmental issues came up, and the lease has been amended to contain Article 8 - asbestos was found and will be removed. Mr. Hickman said the city had no knowledge of the existence of asbestos, and an indemnification clause regarding any future environmental findings was inserted into the new lease agreement.

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

BILL NO. 2005-57

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE SPEED LIMIT OF MOTOR VEHICLES ON BOBWHITE STREET.

Councilmember Rowe moved to adopt Bill No. 2005-57 on first reading; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-58

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 ON DECKER ROAD AND WEST BURTON STREET.

Councilmember Stewart moved to adopt Bill No. 2005-58 on first reading; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Stewart, aye. Nays, none.

Audit Presentation

Heidi Chick, CPA of Williams Keepers, Inc., arrived, and was welcomed to give the audit presentation. She reported that the city's assets and liabilities are shown all in one place of the report. \$36 million is tied in assets and \$1.9 million is restricted; \$3 million can be used for general operations. Ms. Chick said that the audit report can be placed on the city's web site. She handed out the Communication of Audit Matters, and the Management Letter to the Council, making general comments that it will be more efficient for the city to have compatible software and to change passwords more often.

BILL NO. 2005-59

ORDINANCE NO. 11736

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING OAKLAND AVENUE, NORTH OF THE NORTH RIGHT-OF-WAY OF MONROE STREET.

Councilmember Stewart moved to adopt Bill No. 2005-59 on first reading; seconded by Councilmember Rowe.

Public Works Director John Buckwalter reported that adjacent property owners petitioned for the vacation which is not used as a public street. The city's utilities are the only ones located in the right-of-way. There were no citizen comments at the public hearing.

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

Agreement to Fund Transportation Study

Councilmember Stewart moved to approve an agreement with MoDOT to jointly fund a transportation study on North Highway 63; seconded by Councilmember Rowe.

John Buckwalter reported that the City would work with MoDOT on a study to look at Baltimore Street, from Highway 6 to Brewington Avenue and from Industrial Road to Lincoln. This study will be jointly funded by the city and MoDOT, with the city's share of the cost at \$22,123, an amount that will not increase even if the total costs increase during the study.

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

Second Reading

BILL NO. 2005-57

ORDINANCE NO. 11734

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE SPEED LIMIT OF MOTOR VEHICLES ON BOBWHITE STREET.

WHEREAS, Kirksville citizens requested a change in the speed limit on Bobwhite Street; and
WHEREAS, Bobwhite is a short dead end residential street, and

WHEREAS, the proposed changes are recommended in order to make Bobwhite Street safer for those living and visiting in the area.

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

I. Chapter 15, Section-15-448 of the code is amended as follows:

Add as a new entry Bobwhite Street. Twenty (20) miles per hour.

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. 2005-58

ORDINANCE NO. 11735

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 ON DECKER ROAD AND WEST BURTON STREET.

WHEREAS, Kirksville residents requested a review of existing parking/safety issues on Decker Road (near Patryla Park) and W. Burton Street (near Jaycee Park), and the associated written code contained in section 15-345; and

WHEREAS, it was discovered that there were parking issues associated with the current parking configuration in these locations; and

WHEREAS, the proposed changes are recommended in order to bring the written code into compliance with recommendations to resolve the problem, made by the Police Department.

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 “no parking anytime”, on the north side of West Burton Street, from North Biggs Street to North Walnut Street.

Add as a new entry “no parking anytime”, on the south side of the Decker Road/Boundary Road S Curve, in Patryla Park.

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. 2005-59

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING OAKLAND AVENUE, NORTH OF THE NORTH RIGHT-OF-WAY OF MONROE STREET.

BE IT ORDAINED, by the City Council of the City of Kirksville, Missouri, as follows:

WHEREAS, adjacent property owners have petitioned the city for vacation of the right-of-way of Oakland Avenue, north of the north right-of-way of Monroe Street, and

WHEREAS, the vacation of said street right-of-way would not be detrimental to the best interests of the citizens of the City of Kirksville, Missouri.

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

Section 1. The street right-of-way described above is hereby vacated.

Section 2. The City of Kirksville, Missouri hereby retains easements over, along, across and upon said street for maintenance, repair, improvement, construction, reconstruction, replacement or relocation of all manner of public utilities, whether by the City, its agents or contractors, or franchisees. The easement retained herein shall be free from any and all building, structures or other obstructions.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage.

Councilmember Rowe moved to adopt Bill No. 2005-57, 2005-58, and 2005-59 on second reading; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Stewart, aye.

Appointments to City Council

Councilmember Rowe moved to appoint Ralph Cupelli and Jeff Newton to fill the two vacancies currently on the Council until the next election of April 2006; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Stewart, aye. Nays, none.

City Clerk Vickie Brumbaugh administered the Oath of Office to newly appointed Ralph Cupelli and Jeff Newton.

Councilmembers Cupelli and Newton took their seats with the Council.

A vote by secret ballot was conducted to fill the remainder of the term for Mayor until April 2006. There was a unanimous vote for Martha Rowe as Mayor. The gavel was passed to Mayor Rowe.

BILL NO. 2005-60

A RESOLUTION HONORING RICH SCOTT FOR SERVICE TO THE CITIZENS OF KIRKSVILLE, MISSOURI.

RESOLUTION NO. R10-24-528

WHEREAS, Rich Scott has served the City of Kirksville as Councilmember from April 2004 to October 2005; and

WHEREAS, Rich Scott has contributed time and energy towards the betterment of the Kirksville community through his service on the City Council and its boards and commissions, such as

- the Kirksville Regional Economic Development, Incorporated (K-REDI),
- the Planning and Zoning Commission, and
- the Telecommunications Commission; and

WHEREAS, Rich Scott has displayed through the performance of his duties on the City Council a high standard of dedication.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kirksville does hereby extend their sincere appreciation and thanks to Rich Scott for his service to the community.

BE IT FURTHER RESOLVED that the City Council extend their best wishes for his continued success.

Councilmember Stewart moved to approve Bill No. 2005-60; 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; Councilmember Stewart, aye. Nays, none.

Other Items

City Manager Macomber asked the Council to meet at 5:00 p.m. next Monday, October 31, to discuss their appointments to committees and boards, and make the official appointments at the regular meeting in November.

ADJOURNMENT

There being no further business to come before the Council, Mayor Rowe adjourned the meeting at 7:50 p.m.

Vickie Brumbaugh, CMC, MRCC