

# JOURNAL OF THE CITY COUNCIL

Regular Session –November 21, 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, November 21, 2005, at 7:00 p.m. in the City Hall Council Chambers.

## **INVOCATION**

Councilmember Ralph Cupelli gave the Invocation.

## **PLEDGE**

The Mayor and Council led the Pledge of Allegiance.

## **MINUTES**

Councilmember Cupelli moved to approve the minutes of October 24, 2005, as distributed; seconded by Mayor Rowe. 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 announced there will not be an executive session following tonight's meeting, as previously scheduled. There will not be a continuation of the budget meeting tomorrow morning as advertised.

## **INFORMATION PRESENTATION/PUBLIC HEARING**

Ron Gaber, representing the Hazel Creek Concerned Citizens, introduced Clayton Dillavou, new Chairman of the group. Mr. Dillavou talked about water pollution and the five diseases caused by polluted water. He asked the Council to place water quality as a high priority.

Darcy Cashatt spoke regarding recreation and economic value of the land that was sold. She said that water is easier to control if you own the land that surrounds it. She suggested developing picnic areas and trails by using state and federal monies.

James Harmon, Petition Drive Chairman, presented 506 Adair County citizen signatures on a petition supporting opinions of the Hazel Creek Concerned Citizens, and a petition signed by 2,701 citizens inside the city.

Ron Gaber reviewed the sale of the 426.7 acres of Hazel Creek land, and stated that three Councilmembers need to be accountable, land is important and the land should be reacquired for public use. The City should purchase land within the 300 ft. buffer zone as required by DNR. The City should purchase land as it becomes available. The city should enter into a restricted

use agreement with present land owners. The City should comply with all state and local requirements to protect the lake. Mr. Gaber stated that they challenge the Council to restructure the government to allow for seven or nine Councilmembers.

Steve Carroll presented a packet of information to the Council that they had already distributed to the media. Mayor Rowe said that this information will be passed on to the Watershed Management Commission.

**ACTION PRESENTATIONS**

**BILL NO. 2005-61**

**RESOLUTION NO. R11-21-529**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KIRKSVILLE AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR COST PARTICIPATION IN THE COMMISSION'S TRAFFIC STUDY PROJECT NO. J2-0758.**

**Section 1. That the City Manager is hereby authorized to execute on behalf of the City of Kirksville a contract with the Missouri Highway and Transportation Commission providing for the coordination and participation by the City of Kirksville in the cost of the Commission's Traffic Study for Improvement Recommendations for Route 63 and City streets in Kirksville, Project No. J2P0758.**

**Section 2. That all ordinances/resolutions or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.**

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

Mayor Pro Tem Crist moved to approve Bill No. 2005-61; seconded by Councilmember Cupelli.

John Buckwalter, Public Works Director, explained that the Council authorized the City Manager to negotiate an agreement with MoDOT last October to jointly fund a transportation study on North Highway 63. The Commission requires a Resolution be approved authorizing the signature by 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.

**BILL NO. 2005-62**

**RESOLUTION NO. R11-21-530**

**A RESOLUTION AMENDING THE AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM WITH REGARD TO EXPANDING THE TARGET AREA AND REALLOCATING RESOURCES TO HOUSING ACTIVITIES THROUGHOUT THE CITY OF KIRKSVILLE INCLUDING REHABILITATION AND DEMOLITION ACTIVITIES.**

**WHEREAS, Title 1 of the Housing and Community Development Act of 1974 does state as its primary objective "the development of viable urban communities, by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and**

**WHEREAS, the Missouri Department of Economic Development awarded a Community Development Block Grant to the City under Title 1; and**

**WHEREAS, the City does have an area of need and wants to continue to provide assistance through the Community Development Block Grant program.**

**NOW, THEREFORE, BE IT RESOLVED by the City of Kirksville, Missouri, that it desires to continue participation with the Missouri Department of Economic Development in plans and activities for the improvement of our community under the activities authorized pursuant to the Housing and Community Development Act of 1974.**

**NOW, THEREFORE, BE IT RESOLVED that the City Manager of Kirksville, Missouri, hereby is authorized to execute the grant amendment pursuant to the aforementioned act.**

Councilmember Cupelli moved to approve Bill No. 2005-62; seconded by Mayor Pro Tem Crist.

City Manager Macomber reported the Missouri Department of Economic Development has offered to transfer unused infrastructure grant funds to eligible housing activities, including demolition. The Resolution is necessary for submittal to the State.

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

**BILL NO. 2005-63**

**RESOLUTION NO. R11-21-531**

**A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR LOANS AND/OR GRANTS UNDER THE MISSOURI CLEAN WATER AND SAFE DRINKING WATER LAWS.**

WHEREAS, the City of Kirksville continues to work to provide quality water to the residents of the Kirksville community; and

WHEREAS, the City of Kirksville deems it necessary to apply for a low interest loan to complete water plant improvements and water line replacements and extensions that will insure the integrity of the Kirksville water supply system; and

WHEREAS, under the terms of the Missouri Clean Water Law, Section 644, RsMO, or Missouri Safe Drinking Water Law, Section 640, RsMO, the State of Missouri has authorized the making of loans and/or grants to authorized applicants to aid in the construction of specific public projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Kirksville, Missouri, as follows:

1. That Mari E. Macomber, City Manager of Kirksville, is hereby authorized to execute and file an application on behalf of the City of Kirksville with the Missouri Department of Natural Resources for a loan and/or grant to aid in the completion of water fund capital projects.
2. That Mari E. Macomber, City Manager of Kirksville, is hereby authorized and directed to furnish such information as the Missouri Department of Natural Resources may

reasonably request in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Department of Natural Resources as may be required by law or regulations, and to receive payment on behalf of the applicant.

Councilmember Cupelli moved to approve Bill No. 2005-63; seconded by Mayor Pro Tem Crist.

City Manager Macomber explained this is a housekeeping item as the application has already been submitted, but DNR has requested a Resolution reauthorizing the City Manager to act on behalf of the state revolving loan fund.

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

### **Airport Agriculture Inspection Services Agreement**

Mayor Pro Tem Crist moved to authorize the City Manager to execute an agreement with the Department of Agriculture for animal and plant health inspection services at the Airport, seconded by Councilmember Cupelli.

City Manager Macomber explained that as part of the FAA compliance for commercial air service, a review of potential wildlife hazards was made by the USDA this summer, and the FAA recommended the city contract with USDA to have a more comprehensive review. The city's share of \$505 cost for the review is included in next year's budget. The remaining amount from the total cost of \$10,091.11 is reimbursable through the MODOT entitlement funds.

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

### **Benton & Associates Water Improvement Project**

Mayor Pro Tem Crist moved to authorize the City Manager to execute an agreement with Benton and Associates for water improvement project bidding and construction inspection; seconded by Councilmember Cupelli.

Public Works Director Buckwalter reported an agreement for design and permitting was entered into in January of this year for the water treatment plant. Designs have been completed, and we are now ready to prepare the bidding for the first phase of these improvements and construction. The estimated cost is \$1,059,000.

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

### **AmerenUE Electrical Services for North Annexation Sewer Improvements**

Councilmember Cupelli moved to approve contracts with AmerenUE for electrical services related to the north annexation sewer improvements; seconded by Mayor Pro Tem Crist.

John Buckwalter explained the north annexation sewer project requires three lift stations. Power is not available at these sites. AmerenUE will extend the power at a cost of \$17,969, that is eligible for funding under the State Revolving Loan Fund.

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

**Health Insurance Renewal**

Mayor Pro Tem Crist moved to approve health insurance renewals for third party administrator, PPO and pharmacy benefit manager; 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.

**Asbestos Removal Bid**

Councilmember Cupelli moved to approve a bid for asbestos abatement services for the 3010 Industrial building and authorize the execution of an agreement for the services; seconded by Mayor Pro Tem Crist.

Kris McKim reported All State Abatement was the low bidder in the amount of \$14,909. K-REDI will pay half the cost.

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

**Air Pack Updates and Flow Testing Bids**

Mayor Pro Tem Crist moved to approve a bid for air pack updates and air pack flow testing for fire, police, airport and water treatment operations; seconded by Councilmember Newton.

Randy Behrens reported this is part of the homeland security grant, at a cost of \$24,308.40. This will bring all the air packs into compliance.

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

**Lap Top Computers Bid**

Mayor Pro Tem Crist moved to approve the bid for laptop computers for the command/communications vehicle; seconded by Councilmember Cupelli.

Fire Chief Randy Behrens reports this is part of the homeland security grant, at a cost of \$11,672.

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

**Used Dozer Purchase**

Mayor Pro Tem Crist moved to approve the purchase of a used dozer from Martin Tri-State Equipment in the amount of \$69,000; 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.

**12-Passenger Van Purchase**

Mayor Pro Tem Crist moved to approve the purchase of a 12-passenger van through the statewide contract from Joe Machens Ford for \$17,969; 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.

**Ruby Tuesday Liquor License**

Mayor Pro Tem Crist moved to approve a liquor license for Ruby Tuesday, to be located at 2510 North Baltimore, effective May 2006; 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.

**Council Comments**

City Manager Macomber announced the City Council has decided to hold future Council meetings on the first and third Monday's at 7:00 p.m. The next meeting will be held December 5.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Rowe adjourned the meeting at 8:05 p.m.

Vickie Brumbaugh, CMC, MRCC