

# JOURNAL OF THE CITY COUNCIL

*Regular Session – December 19, 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
Paul Frazier	Code Administrator
Laura Guy	Finance Director
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, December 19, 2005, at 7:00 p.m. in the City Hall Council Chambers.

## **INVOCATION**

Reverend Ralph Wheeler, Church of God Holiness Church, gave the Invocation.

## **PLEDGE**

Boy Scout Troop 404 led the Pledge of Allegiance.

## **MINUTES**

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

## **ORDER OF THE AGENDA**

No changes.

## **INFORMATION PRESENTATION**

None.

## **CITIZEN PARTICIPATION**

None.

## **OLD BUSINESS**

**BILL NO. 2005-65**

**ORDINANCE NO. 11737**

**AN ORDINANCE APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE FISCAL YEAR 2006 BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

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

SECTION 1. The Annual Budget of the City of Kirksville, Missouri, aggregating \$23,369,298, for the fiscal year commencing January 1, 2006 and ending December 31, 2006, as submitted by the City Manager and incorporated herein by reference as is fully set out in this ordinance, is hereby approved.

SECTION 2. This ordinance shall be in full force and effect from and after January 1, 2006.

SECTION 3. The first reading of the budget appropriation ordinance was approved on December 12, 2005.

Councilmember Cupelli moved to adopt Bill No. 2005-65 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.

### **ACTION PRESENTATION**

#### **BILL NO. 2005-66**

#### **AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI ACCEPTING CERTAIN STREETS, WATER LINES AND SEWER LINES, LOCATED IN WEATHERSTONE SUBDIVISION.**

Mayor Pro Tem Crist moved to adopt Bill No. 2005-66 on first reading; seconded by Councilmember Newton.

John Buckwalter reported the streets, storm sewers, water main and sewer extensions serving Weatherstone have been completed and inspected.

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. 2005-67**

#### **AN ORDINANCE AMENDING ORDINANCE NO. 11702, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2005 NINE-MONTH BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

Mayor Pro Tem Crist moved to adopt Bill No. 2005-67 on first reading; seconded by Councilmember Cupelli.

Laura Guy explained the revision of revenues: added a new division in the general fund for expenses on printer/copiers, engineering software and the purchase of computer equipment under the seat management plan; additional housing rehab activity under the CDBG fund; the Old Wabash Trail was not constructed under the trail grant fund; some projects in the Southeast TIF fund were not constructed; infrastructure projects in the downtown TIF were not completed; a new Community Partnership Fund was created for fees collected and related expenses; Transportation

sales tax projects were postponed; the Industrial Park Fund, Central Garage and North Park incurred more expenditures than anticipated; the Highway 63 sales tax came in higher than projected. The budget will be decreased by a net of \$1,148,061.

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. 2005-68**

**AN ORDINANCE COMBINING THE EXISTING WATERWORKS SYSTEM AND THE EXISTING SEWERAGE SYSTEM IN THE CITY OF KIRKSVILLE, MISSOURI, AND ALL FUTURE IMPROVEMENTS AND EXTENSIONS THERETO, AND PROVIDING FOR THE OPERATION AND MAINTENANCE THEREOF AS A COMBINED WATERWORKS AND SEWERAGE SYSTEM.**

Mayor Pro Tem Crist moved to adopt Bill No. 2005-68 on first reading; seconded by Councilmember Newton.

Laura Guy explained that future bond issuances for participation in the SRF program can be combined and presented to the voters as a single amount instead of requesting separate bond approval for each of the systems. No changes will occur in the operation of the water and sewer systems, and revenues will be kept separate.

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. 2005-69**

**AN ORDINANCE CALLING A SPECIAL ELECTION ON A REVENUE BOND QUESTION IN THE CITY OF KIRKSVILLE, MISSOURI.**

Councilmember Cupelli moved to adopt Bill No. 2005-69 on first reading; seconded by Mayor Pro Tem Crist.

Laura Guy reported the referendum question on the ballot would authorize issuance of up to \$7 million in revenue bond indebtedness for making improvements to the combined waterworks and sewerage system. There will not be an increase in taxes or fees.

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

**Purchasing Policy Amendment**

Mayor Pro Tem Crist moved to approve a revision to the Purchasing Policy No. 2; seconded by Councilmember Cupelli.

Laura Guy explained the revision to Section 4.2, Cooperative Procurement, requires city staff to seek bids from local vendors when there are similar products available locally and when the item is \$10,000 or more.

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

**Agreement with FAA – Runway Relocation**

Councilmember Cupelli moved to authorize the City Manager to execute an agreement with the Federal Aviation Administration for runway relocation; seconded by Mayor Pro Tem Crist.

City Manager Macomber explained that the relocation of the localizer is necessary to meet the runway safety area required for the airport clear zone. The City's cost will be \$14,234.

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

**Agreement with Bucher, Willis & Ratliff – Aviation Consultant**

Councilmember Cupelli moved to authorize an agreement with Bucher, Willis & Ratliff for engineering services at the airport for the relocation of County Road 359; 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.

**Second Reading**

**BILL No. 2005-66**

**ORDINANCE NO. 11738**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI ACCEPTING CERTAIN STREETS, WATER LINES AND SEWER LINES, LOCATED IN WEATHERSTONE SUBDIVISION.**

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

**WHEREAS**, Joe Schmid, representing JEM Inc., has by separate "Deed of Dedication" dedicated to the City of Kirksville, the street pavement as shown on the final plat for Weatherstone Subdivision, and also all sewer and water lines within the easements and right-of-ways as shown, the same to be forever used and maintained by the public as such, and

**WHEREAS**, certain streets, water lines, and sewer lines as described below have been inspected and approved and are located on right-of-ways and easements previously dedicated to the public use under the terms of the original Owner's Statement of Weatherstone Subdivision,

**NOW, THEREFORE**, the City of Kirksville, Adair County, Missouri, hereby accepts the following as shown on the "as-built" plans submitted to the City Engineer's Office.

- a. Streets designated as Weatherstone Drive, Weatherbrooke Drive, and Breezewood Drive.
- b. Approximately 4900 lineal feet of six-inch water main which connects to existing City water mains in College Park subdivision as detailed in as-built drawings on file with the City Engineer.
- c. Approximately 4400 lineal feet of eight-inch sewer mains which connect to an 8-inch public

sewer main contributory to the Kirksville Municipal Wastewater Treatment Plant, as detailed in as-built drawings on file with the City Engineer.

**FURTHER**, the City of Kirksville, Adair County, Missouri, in accepting the foregoing, agrees to be responsible for and maintain the foregoing items which have been dedicated to the public use.

**BILL NO. 2005-67**

**ORDINANCE NO. 11739**

**AN ORDINANCE AMENDING ORDINANCE NO. 11702, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2005 NINE-MONTH BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

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

SECTION 1. That Section 1 of Ordinance No. 11702 be amended to read: The Annual Budget of the City of Kirksville, Missouri, aggregating \$17,124,825, for the fiscal year commencing April 1, 2005 and ending December 31, 2005, as submitted by the City Manager and incorporated herein by reference as is fully set out in this ordinance, is hereby approved.

SECTION 2. Revisions to the original budget for the funding of the projects or expenditures necessitating the increases or decreases in the individual funds as so described on the attached Budget Amendment Summary are approved.

**BILL NO. 2005-68**

**ORDINANCE NO. 11740**

**AN ORDINANCE COMBINING THE EXISTING WATERWORKS SYSTEM AND THE EXISTING SEWERAGE SYSTEM IN THE CITY OF KIRKSVILLE, MISSOURI, AND ALL FUTURE IMPROVEMENTS AND EXTENSIONS THERETO, AND PROVIDING FOR THE OPERATION AND MAINTENANCE THEREOF AS A COMBINED WATERWORKS AND SEWERAGE SYSTEM.**

WHEREAS, the City of Kirksville, Missouri, now owns and operates its waterworks system and its sewerage system and may hereafter make or construct improvements or extensions to said waterworks or to said sewerage system, or to both; and

WHEREAS, the City is authorized by Chapter 250, RSMo, to adopt an ordinance declaring that its existing waterworks system and its existing sewerage system shall henceforth be operated and maintained as a combined waterworks and sewerage system; and

WHEREAS, the Council of the City deems it to be necessary for the public health, safety, welfare and benefit of said City and its inhabitants that the existing waterworks system and the existing sewerage system of said City and all future improvements or extensions thereto shall henceforth be operated and maintained as a combined waterworks and sewerage system;

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

Section 1. It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Kirksville, Missouri, and its inhabitants, that the existing waterworks system and the existing sewerage system of said City, and all future improvements and extensions thereto, be combined and that they shall henceforth be operated and maintained as a combined waterworks and sewerage system.

Section 2. From and after the final passage of this Ordinance, the existing waterworks system and the existing sewerage system of the City of Kirksville, Missouri, and all future improvements and extensions thereto, whether to the waterworks system or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks system and said sewerage system, and all future improvements and extensions thereto as aforesaid, henceforth be operated and maintained as a combined waterworks and sewerage system.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

**BILL NO. 2005-69**

**ORDINANCE NO. 11741**

**AN ORDINANCE CALLING A SPECIAL ELECTION ON A REVENUE BOND QUESTION IN THE CITY OF KIRKSVILLE, MISSOURI.**

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

Section 1. The Council finds it necessary and hereby declares its intent to borrow \$7,000,000 for the purpose of paying a portion of the cost of improving the combined waterworks and sewerage system of the City, including rehabilitation of the city's waterworks treatment facility, replacement of the downtown water line, upgrade of the wastewater treatment facility and replacement of sewerage collection components (the "Project") and to evidence such borrowing by the issuance of combined waterworks and sewerage system revenue bonds (the "Bonds") of the City in the amount of \$7,000,000.

Section 2. A special bond election is hereby ordered to be held in Kirksville, Missouri, concurrently with the general municipal election, on Tuesday, April 4, 2006, on the following question:

QUESTION

Shall the City of Kirksville, Missouri, issue its combined waterworks and sewerage system revenue bonds in the amount of \$7,000,000 for the purpose of paying a portion of the cost of improving the combined waterworks and sewerage system of the City, including rehabilitation of the city's waterworks treatment facility, replacement of the downtown water line, upgrade of the wastewater treatment facility and replacement of sewerage collection components, the cost of operation and maintenance of said combined waterworks and sewerage system and the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its combined waterworks and sewerage system, including all future improvements and extensions thereto?

The authorization of the Bonds will authorize the City to fix, establish, maintain and collect rates and charges for the services provided by the City through its combined waterworks and sewerage system, including all extensions and improvements thereto hereafter constructed or acquired by the City, in addition to the other rates and charges for such services provided by law, as will produce income and revenues sufficient to provide funds to pay the costs of operation and maintenance of said combined waterworks and sewerage system and the principal of and interest on the Bonds as they become due and to provide for the establishment of reasonable reserves therefor.

Section 3. The form of Notice of Special Election showing said question, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 4. The City Clerk is hereby authorized and directed to notify the County Clerk of Adair County, Missouri, of the passage of this Ordinance no later than 5:00 P.M. on Tuesday, January 24, 2006, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo, as amended.

Section 5. The City expects to make expenditures on and after the date of passage of this Ordinance in connection with the Project, and the City intends to reimburse itself for such expenditures with the proceeds of the Bonds. The maximum principal amount of Bonds expected to be issued for the Project is \$7,000,000.

Section 6. The City hereby engages the firm of Gilmore & Bell, P.C., Kansas City, Missouri, as bond counsel with respect to the Bonds.

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval.

Councilmember Cupelli moved to adopt Bill No. 2005-66, 2005-67, 2005-68 and 2005-69 on second reading; 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**

Councilmember Newton moved to adjourn to a Study Session; 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.

Mayor Rowe adjourned the meeting at 7:33 p.m.

Vickie Brumbaugh, CMC, MRCC