

# JOURNAL OF THE CITY COUNCIL

Regular Session - March 28, 2005

## COUNCIL & STAFF PRESENT:

Debbie Masten	Mayor
Ralph Cupelli	Mayor Pro Tem
Tim Crist	Councilmember
Martha Rowe	Councilmember
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Engineer
Paul Frazier	Codes Administrator
Mark Gaugh	Public Works Director
Laura Guy	Finance Director
Jim Hughes	Police Chief
Kris McKim	Assistant City Manager
Pat Meredith	Human Resource Director
Steve Bell	Aquatics Center Director

## COUNCIL ABSENT:

Rich Scott                      Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, March 28, 2005, at 7:00 p.m. in the City Hall Council Chambers.

## **INVOCATION/PLEDGE**

Don Kangas, Layperson of Timber Ridge Community Church, gave the invocation.      Girl Scouts led the Pledge of Allegiance.

## **MINUTES**

Mayor Masten asked for corrections or changes to the minutes of the Regular Session of February 28, 2005, and the Special Session of March 21, 2005. Mayor Pro Tem Cupelli moved to approve the minutes, as distributed; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

## **ORDER OF AGENDA**

City Manager Macomber reported that a proposal has been received from Powers Bowersox. The Council may consider authorizing the City Manager to negotiate an agreement with Powers Bowersox for improvements to the Adair County Courthouse parking lot.

Councilmember Rowe moved to add this item to the agenda; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

## **INFORMATION PRESENTATIONS & PUBLIC HEARING**

### **TSU Women's Swim Team**

Mayor Masten read and presented a proclamation recognizing the Truman State University Women's Swim Team on their fifth straight NCAA Division II National Championship. Mayor Pro

Tem Cupelli distributed city medallions to each swim team member.

**Lagers Presentation**

Pat Meredith reported the Council will be asked to approve a change in the Missouri Local Government Employees Retirement System (LAGERS) benefit program from L-3 to L-7. State Statutes require that the report be made available to the public for 45 days prior to the City Council taking final legislative action. Since this change is part of the budget, to be considered at the March 28 meeting, the LAGERS change cannot be considered until a Council meeting in May for an effective date of June 1, 2005.

**Public Hearing - High Street**

Mayor Masten opened the public hearing at 7:10 p.m. to hear citizen comments regarding vacation of High Street from Shepherd Avenue north approximately 1,520 feet to the north property line of South Pointe Subdivision.

John Buckwalter explained that a public hearing is required before a street vacation can be considered. The developers of South Pointe Subdivision have requested the street vacation. Adjoining property owners were contacted and there were no objections.

There being no comments, Mayor Masten closed the public hearing at 7:14 p.m.

**CITIZEN PARTICIPATION**

None.

**OLD BUSINESS**

**BILL NO. 2005-06**

**RESOLUTION NO. R3-28-510**

**A RESOLUTION OF THE CITY OF KIRKSVILLE ADOPTING THE DESIGN GUIDELINES ESTABLISHED FOR DOWNTOWN KIRKSVILLE.**

WHEREAS, the City of Kirksville has worked with other Downtown Partners to insure the future success and viability of the Downtown Business District; and

WHEREAS, the City of Kirksville has utilized city staff and city resources to develop a Downtown TIF District that would generate funds to be used for necessary infrastructure improvement projects within this District; and

WHEREAS, the City of Kirksville, and its other Downtown Partners believed it necessary to develop design guidelines for both public and private improvements to the downtown area to insure a cohesive development plan; and

WHEREAS, the City approved the development of these guidelines by contracting with Powers, Bowersox for the development of the guidelines; and

WHEREAS, Powers, Bowersox has met with the Downtown Partners and citizens of the community develop these guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Kirksville, Missouri hereby officially adopts the Downtown Design Guidelines to serve as the foundation for future improvement

within the downtown area and directs staff to begin steps to implement changes in current codes to insure that the standards contained in the Downtown Design Guideline booklet are implemented.

Councilmember Rowe moved to remove Bill No. 2005-06 from the table [tabled at regular Council meeting of February 28, 2005]; seconded by Mayor Pro Tem Cupelli. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

The previous motion, made by Councilmember Rowe and seconded by Councilmember Crist, at the regular Council meeting of February 28, 2005 was still on the floor, and therefore discussion continued....

City Manager Macomber reported the Council has discussed this subject in two study sessions since tabling it in February, and agreed they support the downtown design in concept. Everyone has signed off on the plan, except the County Commissioners. Allen Goans was present and reported the Commissioners have not officially approved the plan yet. The City Manager will meet with the County Commissioners to discuss plans for the courthouse parking lot.

The motion to approve Bill No. 2005-06 carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

**BILL NO. 2005-10** **ORDINANCE NO. 11702**  
**AN ORDINANCE APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE FISCAL YEAR 2005 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 \$18,272,886 for the fiscal year commencing April 1, 2005 and ending December 31, 2005 (a nine-month year), 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 April 1, 2005.

[Bill No. 2005-10 was adopted by the Council on first reading only at a special session of March 21, 2005.]

Councilmember Crist moved to adopt Bill No. 2005-10 on final reading; seconded by Mayor Pro Tem Cupelli. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

**ACTION PRESENTATIONS**

**BILL NO. 2005-11**

**RESOLUTION NO. R3-28-511**

**A RESOLUTION ADOPTING REVISIONS TO THE CITY OF KIRKSVILLE'S CAFETERIA PLAN.**

WHEREAS, the City of Kirksville makes group medical and dental benefits available for its employees, and pays a portion of the premium; and

WHEREAS, the City Council desires to allow its employees to participate in the Flexible Spending Account Plans as set forth in the attached Plan Document; and

WHEREAS, the City Council wishes to adopt a Salary Reduction Plan that complies with Section 125 of the Internal Revenue Code, to enable its employees to elect to pay for their share of the group medical and dental premiums, voluntary supplemental insurance premiums, and the Dependent Care Assistant Plan on a pretax, salary reduction basis as applicable; and

WHEREAS, the City Council has determined that the above actions are in the best interest of the City of Kirksville;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the Plan Document effective as of January 1, 2005;

BE IT FURTHER RESOLVED, that the operation of the group health insurance plan will continue and all employee contributions thereunder will be made pursuant to elections under the Salary Reduction Plan Document;

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

Councilmember Rowe moved to approve Bill No. 2005-11; seconded by Councilmember Crist.

Pat Meredith explained a recent change in the definition of a dependent in the Working Families Tax Relief Act of 2004 has made it necessary to update our plan document. The plan was distributed to employees in January of this year, and a Resolution is required for documentation that the revised plan was approved.

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

**BILL NO. 2005-12**

**ORDINANCE NO. 11703**

**AN ORDINANCE AMENDING ORDINANCE NO. 11656, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2004/2005 ANNUAL BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND**

**PROVIDING FOR ADJUSTMENTS THERETO.**

Councilmember Rowe moved to adopt Bill No. 2005-12 on first reading; seconded by Councilmember Crist.

Laura Guy reported the city did not undertake some projects as budgeted, resulting in a decrease of \$1,001,435 in budgeted expenditures.

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

**BILL NO. 2005-13**

**ORDINANCE NO. 11704**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE FINAL PLAT FOR WINDSONG ESTATES.**

Councilmember Crist moved to adopt Bill No. 2005-13 on first reading; seconded by Councilmember Rowe.

Paul Frazier explained the request is to approve a final plat of pre-existing subdivision that is 80 percent completed, located north of East Mill and West of North New Street. The city has previously accepted water and sewer mains, and although the street was considered private, it was constructed and inspected by the city using city standards. Street modifications have been made to accommodate emergency vehicle access. The Council is asked to accept the street and approve the final plat.

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

**BILL NO. 2005-14**

**ORDINANCE NO. 11705**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI VACATING A PORTION OF HIGH STREET FROM SHEPHERD AVENUE TO A POINT 1517.6 FEET NORTH OF SHEPHERD AVENUE**

Councilmember Crist moved to adopt Bill No. 2005-14 on first reading; seconded by Councilmember Rowe.

John Buckwalter reported this section of High Street is undeveloped and is not included in any long-range street plan.

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

**Contract with Shafer, Kline & Warren**

Councilmember Crist moved to approve a contract with Shafer, Kline and Warren for survey

work on Jamison Street from Highway 6 to Hamilton Avenue.

John Buckwalter reported that city staff is doing the design work in-house on Jamison Street improvements. Surveying services are required to complete the designs. Shafer, Kline and Warren are available to do the work at an extremely reasonable price of \$11,800.

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

**Change Order with Willis Brothers for Downing-Lewis Streets**

Councilmember Rowe moved to authorize the City Manager to execute a change order with Willis Brothers for Downing-Lewis Streets Utility Improvements for sanitary sewer installation and connections on McPherson Street; seconded by Councilmember Crist.

John Buckwalter explained that the Council approved a third change order in February, 2005, increasing the obligation to the wastewater fund. The Council was advised that an additional change order for the McPherson work would follow, at a cost of \$13,460, using unit prices from the Downing-Lewis project. The Downing-Lewis project can be closed out on the acceptance of this change order.

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

**Command Staff Vehicle Donation**

Councilmember Crist moved to approve donating Unit 505 (Command Staff Vehicle) to the Northeast Missouri Community Response Team (NEMO Cert); seconded by Councilmember Rowe.

City Manager Macomber reported that CERT has requested the city donate this vehicle to the NEMO Cert. CERT representatives were present and explained that the CERT Program would have full responsibility for the vehicle, taking care of all maintenance, and it would serve as a backup vehicle if the city ever needed it during an emergency.

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

**Water/Sewer Rates Reaffirmed**

Councilmember Rowe moved to reaffirm approval of water and sewer rates; seconded by Mayor Pro Tem Cupelli.

City Manager Macomber explained that Council approved a five-year water and sewer rate schedule in 2003. Participation in the state revolving loan fund program requires reaffirmation of those rates.

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

**OATS Agreement**

Mayor Pro Tem Cupelli moved to authorize the City Manager to execute an agreement with OATS; seconded by Councilmember Rowe.

City Manager Macomber explained the city applied for a grant with the Regional Center and the Missouri Planning Council for transportation funds. Kirk Tran was created, and their future financial capability has been discussed this past year. OATS, Inc. has increased funding towards the service and has been operating in good faith since June, 2004 without a contract. They have asked that a contract be signed to operate in accordance with their requirements. The Agreement terminates on June 30, 2005.

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

**Letter of Agreement - Innovation Center**

Councilmember Crist moved to authorize the Mayor to sign a letter of agreement with Truman State University, Northeast Regional Medical Center, A.T. Still University, K-REDI, Adair County Commission and Kirksville Chamber of Commerce to be a full and equal partner in a feasibility study to determine the viability of establishing an Innovation Center; seconded by Mayor Pro Tem Cupelli.

Kris McKim reported each entity will contribute \$5,000, which has been included in the 2005 nine-month budget, with the exception of the Chamber of Commerce and Adair County Commission who are sharing the \$5,000 contribution.

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

**Council Policy #7 - Shelter Reservation - Amended**

Councilmember Rowe moved to amend Council Policy #7 on Shelter Reservation Fees; seconded by Councilmember Crist.

Kris McKim reported that a survey of other cities was done last summer on what fees they were charging. The majority have a fee for shelter reservations, ranging from \$10 to \$50. The Policy amendment reflects a \$10 fee for shelters. The special events form was also removed since it is no longer used. A sign will be provided to those who reserve the shelter to be placed at that location.

**Rock Bid**

Councilmember Crist moved to approve a bid for rock to Fountain Trucking; seconded by Mayor Pro Tem Cupelli.

Mark Gaugh reported three bids were received with Fountain Trucking being the lowest bid at \$50,475.

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

### **Water Line Bores**

Councilmember Crist moved to approve a bid for water line bores to Great Plains, Inc.; seconded by Mayor Pro Tem Cupelli.

Mark Gaugh reported two bids were received, with Great Plains being the lowest bidder.

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

### **Aquatic Center In crete Spray-Deck System**

Councilmember Crist moved to authorize the City Manager to enter a contract with Leo O'Laughlin Company for installation of an in crete spray-deck system at the Aquatic Center; seconded by Councilmember Rowe.

Steve Bell said that the locker room and pool entrance flooring has failed; the concrete is unstable and will not hold a surface. The engineering firm, Counsilman Hunsaker, estimated \$25,000 to correct the problems. Bids were taken for concrete removal and surface application, with O'Laughlin bidding at \$15,500.

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

### **Red Barn Arts & Crafts Festival**

Mayor Pro Tem Cupelli moved to approve the use of city streets for the Red Barn Annual Arts & Crafts Festival on Saturday, October 8, 2005; seconded by Councilmember Rowe.

Jim Hughes said that he had asked Brian Collier for use of the first two rows of Cinema 8 parking lot, and Brian agreed to allow the use.

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

### **Forest Lake Use - Buddy Bass Tournaments**

Councilmember Crist moved to approve the use of Forest Lake for Buddy Bass Tournaments on April 13, May 28, June 18 and September 3, 2005; seconded by Councilmember Rowe.

Jim Hughes said they also request that outboard motors exceeding 90 hp to idle at a speed not to exceed 10 mph between the hours of 6:00 a.m. and 4:30 p.m.

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

#### **Forest Lake Use - Bud Light Buddy Bass N'Kids Tournament**

Councilmember Rowe moved to approve the use of Forest Lake for the 22<sup>nd</sup> Annual Bud Light Buddy Bass N'Kids Fishing Tournament on May 7, 2005; seconded by Councilmember Crist.

Jim Hughes said they are requesting that outboard motors exceeding 90 hp to idle at a speed not to exceed 10 mph from 7:00 a.m. to 3:00 p.m.

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

#### **Committee/Board Appointments**

Councilmember Crist moved to reappoint Debi Boughton to the Highway 63 Transportation Commission for another three-year term, and Kristie Swaim to serve another two-year term on the Adair County Extension Council; seconded by Councilmember Rowe.

Mari Macomber reported that the term for Debi will be the final term allowable on the Commission; and Kristie's term on the Extension Council is the final term allowable. The banks were contacted to provide names of individuals to serve on the TIF Commission, but no names were submitted.

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

#### **Contract with Powers Bowersox**

Councilmember Crist moved to authorize the City Manager to negotiate a contract with Powers Bowersox for design development of the County Courthouse project; seconded by Councilmember Rowe.

Councilmember Crist moved to amend the motion to include "negotiate and execute a contract not to exceed \$36,500"; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

The motion, as amended, carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

#### **Second Reading of Ordinances**

**BILL NO. 2005-12**

**ORDINANCE NO. 11703**

**AN ORDINANCE AMENDING ORDINANCE NO. 11656, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2004/2005 ANNUAL 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. 11656 be amended to read: The Annual Budget of the City of Kirksville, Missouri, aggregating \$23,312,027, for the fiscal year commencing April 1, 2004 and ending March 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. 2005-13**

**ORDINANCE NO. 11704**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE FINAL PLAT FOR WINDSONG ESTATES.**

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

WHEREAS, Windsong Estates, a proposed addition to the City of Kirksville, Adair County, Missouri, platting into lots the following described tract of land;

Situated in the Northwest Fourth of the Southeast Quarter of Section 4, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Beginning at a point 72 feet West and 409 feet South of the Northeast corner of the Northwest Fourth of the Southeast Quarter of said Section 4; thence South 0 degrees 06 minutes 15 seconds West, a distance of 374.00 feet; thence North 0 degrees 05 minutes 41 seconds East, a distance of 75.00 feet; thence North 88 degrees 10 minutes 15 seconds West, a distance of 74.92 feet; thence North 0 degrees 05 minutes 41 seconds East, a distance of 75.00 feet; thence North 88 degrees 10 minutes 15 seconds West, a distance of 113.24 feet; thence South 0 degrees 06 minutes 15 seconds West, a distance of 74.00 feet; thence North 88 degrees 10 minutes 15 seconds West, a distance of 45.00 feet; thence North 0 degrees 06 minutes 15 seconds East, a distance of 205.54 feet; thence North 88 degrees 58 minutes 19 seconds West, a distance of 91.49 feet; thence North 0 degrees 19 minutes 15 seconds West, a distance of 120.10 feet; thence South 88 degrees 53 minutes 25 seconds East, a distance of 87.39 feet; thence North 0 degrees 06 minutes 15 seconds East, a distance of 47.56 feet; thence South 88 degrees 10 minutes 15 seconds East, a distance of 238.17 feet to the point of beginning; said described tract containing 2.1 acres, more or less. Subject to any and all easements of record.

has been regularly certified by Edward A. Cleaver, licensed surveyor number 1241, and

WHEREAS, the owners shall execute a ADeed of Dedication of Windsong Estates@, and

WHEREAS, as a part of the City Council final approval of the Plat of Windsong Estates the following conditions shall apply:

- (a) If a street light is warranted at the intersection of Windsong and Millwood Drive, the cost shall be borne by the developer.
- (b) If development of Lot six (6) happens, arrangement of the driveway servicing this lot shall be located so as not to impede snow removal or storage processes.
- (c) The City shall be responsible for the maintenance of the public street surface only. Parking areas shall be maintained by the respective owners.

WHEREAS, both APlat@ and ADeed of Dedication@ shall be recorded in the Recorder's Office of Adair County, Missouri,

NOW, THEREFORE, the Plat of Windsong Estates is hereby approved and the same is made an addition to the City of Kirksville, Missouri, and the portions thereof dedicated to the public are hereby accepted.

**BILL NO. 2005-14**

**ORDINANCE NO. 11705**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI VACATING A PORTION OF HIGH STREET FROM SHEPHERD AVENUE TO A POINT 1517.6 FEET NORTH OF SHEPHERD AVENUE.**

WHEREAS, Adjoining property owners have requested the vacation of the following street: High Street, from Shepherd Avenue to the North Line of South Pointe Subdivision, and

WHEREAS said street and utility right of way was originally recorded in Book 201, Page 183 of the records of Adair County, and

WHEREAS said street right of way to be vacated is described as: A fifty foot right of way, 25 feet right and left of the following described center line: Beginning at a point on the south line of Section 16, Township 62 North, Range 15 West in Adair County Missouri, said point being 2640 feet East of the Southwest corner of said Section 16; thence North 1 degree 29 minutes West a distance of 247.50 feet; thence North 1 degree 16 minutes 15 seconds West a distance of 1077.64 feet, thence north 214.5 feet to the ending point, less that part included in the right of way of Shepherd Avenue. And,

WHEREAS, the vacation of said street 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 described above is hereby vacated.

Section 2. The City of Kirksville retains a 50-foot utility easement on the vacated right of way.

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. 2005-12, 2005-13 and 2005-14 on second reading; seconded by Councilmember Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none.

**ADJOURNMENT**

There being no further business to come before the Council, Councilmember Crist moved to adjourn to an Executive Session regarding a Personnel Matter, 610.021(3); seconded by Mayor Pro Tem Cupelli. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Cupelli, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Crist, aye. Nays, none. Mayor Masten adjourned the meeting at 8:15 p.m.

Vickie Brumbaugh, CMC, MRCC