

JOURNAL OF THE CITY COUNCIL

Regular Session - May 23, 2005

COUNCIL & STAFF PRESENT:

Debbie Masten	Mayor
Tim Crist	Mayor Pro Tem
Martha Rowe	Councilmember
Rich Scott	Councilmember
Ron Stewart	Councilmember
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Paul Frazier	Codes Administrator
Mark Gaugh	Public Works Director
Tim King	Deputy Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, May 23, 2005, at 7:00 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

Revered Aaron Rodgerson, Southside Baptist Church, gave the invocation. Boy Scout Troop 401 led the Pledge of Allegiance.

MINUTES

Mayor Masten asked for corrections or changes to the minutes of the Regular Session of April 25 and the Special Session of May 2, 2005. Mayor Pro Tem Crist moved to approve the minutes, as distributed; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

ORDER OF AGENDA

No changes.

CITIZEN PARTICIPATION

None.

INFORMATION PRESENTATIONS

City Clerk Vickie Brumbaugh presented a plaque from the Missouri Municipal League sent in appreciation to its member cities.

ACTION PRESENTATIONS

BILL NO. 2005-21

RESOLUTION NO. R5-23-514

A RESOLUTION RECOGNIZING JODY SAYRE, UPON HIS RETIREMENT FOR 26 YEARS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, the City of Kirksville is desirous of recognizing long-term employees, and

WHEREAS, Jody Sayre worked for the City of Kirksville Regional Airport for two years from 1977 to 1979; and another 24 years from April 1981 to May 2005, and

WHEREAS, Jody served as Airport Maintenance Worker from July 1977 to 1979, and from April 1981 to August 1984, and promoted to Airport Supervisor in August 1984, serving in this capacity until his retirement; and

WHEREAS, through Jody's years of service, he was instrumental in receiving 38 Excellent Ratings from the National Weather Service for the Airport, and

WHEREAS, Jody was also responsible for receiving 15 No Discrepancy Ratings and two Airport Enhancement Awards from the Federal Aviation Administration for the Kirksville Regional Airport, and

WHEREAS, Jody Sayre retired on May 17, 2005, after serving the City of Kirksville and its citizens for a total of 26 years.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to Jody Sayre for his years of service.

Mayor Pro Tem Crist moved to approve Bill No. 2005-21; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-22

RESOLUTION NO. R5-23-515

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE APPLICATIONS WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, STATE REVOLVING FUND PROGRAM FOR LOANS UNDER THE MISSOURI SAFE DRINKING WATER LAW (SECTION 640, RSMO).

WHEREAS, under the terms of the Missouri Safe Drinking Water Law, Section 640, Revised Statutes of Missouri, 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,

1. That Mari E. Macomber, City Manager is hereby authorized to execute and file an application on behalf of the City of Kirksville with the State of Missouri for all loan and/or grant to aid construction projects; and
2. That Mari E. Macomber, City Manager be and she is hereby authorized and directed to furnish such information as the Missouri Department of Natural Resources may reasonably request in connection with applications which is herein authorized to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Missouri Department of Natural Resources as may be required by law or regulation, and to receive payment on behalf of

the applicant.

Councilmember Rowe moved to approve Bill No. 2005-22; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-23

RESOLUTION NO. R5-23-516

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.

WHEREAS, Title I 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 I; 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 participating 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.

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

Councilmember Rowe moved to approve Bill No. 2005-23; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-24

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, ELECTING A BENEFIT CHANGE UNDER THE MISSOURI LOCAL GOVERNMENT EMPLOYEES’ RETIREMENT SYSTEM PLAN.

Councilmember Stewart moved to adopt Bill No. 2005-24 on first reading; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-25

AN ORDINANCE REPEALING CERTAIN SECTIONS OF CHAPTER 11, AND ADOPTING CERTAIN ENFORCEMENT PROVISIONS RELATING TO THE PROPERTY MAINTENANCE CODE AND NUISANCES.

Mayor Pro Tem Crist moved to adopt Bill No. 2005-25 on first reading; seconded by Councilmember Rowe.

Paul Frazier reported that the current ordinance provides for offenders to be notified by time consuming processes that often times allows accumulation of trash and excessive growth of tall weeds. The proposed ordinance expedites the process, allowing for prosecution after due notice, or removing the trash or cutting the grass and billing the owners.

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

BILL NO. 2005-26

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE REVISION OF A MINOR SUBDIVISION OF LANDS LOCATED IN THE 400 BLOCK OF STEER CREEK WAY.

Councilmember Stewart moved to adopt Bill No. 2005-26 on first reading; seconded by Councilmember Scott.

Paul Frazier reported this request is to change Emil and Pat Green's plat which was approved in March of 2004. The property at Highway 11 and Streer Creek Way was divided into three lots, and the Green's have decided to divide the property into four lots.

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

BILL NO. 2005-27

AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR REAL ESTATE IN THE 4000 BLOCK OF NORTH BALTIMORE STREET

Mayor Pro Tem Crist moved to adopt Bill No. 2005-27 on first reading; seconded by Councilmember Stewart.

Paul Frazier reported that Richard and Kathy Roberts have submitted their site and building plan for an antique mall metal building to be located in the 4000 block of North Baltimore. The plan includes a hard surface driveway connected to Highway 63. They request that the driveway area between Highway 63 and their parking lot be improved as a gravel surface with a condition to be granted a two-year period, backed by a letter of credit, in which to construct the hard surface driveway. The hard surface parking will be put in now. The Planning and Zoning Commission unanimously approved their request.

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

Amendment to City Manager Contract

Mayor Pro Tem Crist moved to authorize the Mayor to execute an amendment to the agreement between the City and the City Manager; seconded by Councilmember Stewart.

Mari Macomber reported the Council wished to change the evaluation date to coincide with the budget year, starting January 1. The evaluation date will take place in December after the budget is adopted. There will also be a change in the retirement benefits.

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

Backhoes and Truck Bids

Mayor Pro Tem Crist moved to approve the purchase of two backhoes from Crown Power, and one truck from Lovegreen Ford; seconded by Councilmember Rowe.

Mark Gaugh reported the purchases will be to replace the existing backhoes in the Water Distribution Division and the Street Division. The backhoes are used year around to install water lines, storm sewer and loading snow. The truck is used for pothole patching, hauling dirt, plowing snow and spreading deicer. Bids were invited for the old equipment, but none were received. Trade-in values were looked at. The City spent \$39,000 on repairs to the 1997 backhoe, and \$18,000 in repairs was made to the 1999 Case backhoe. The bids recommended are guaranteed buy backs.

Mari Macomber explained the divisions are separated out because they use the equipment, and therefore not included in the capital equipment.

There was a question asked if one backhoe could be used instead of two. After a series of questions asked by the Council, Councilmember Stewart moved to table acceptance of the backhoe bid, and to proceed with action on the truck purchase; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, abstain; Councilmember Scott, aye; Councilmember Stewart, aye. Ayes - 4; nays - 0; abstentions - 1. Councilmember Rowe stated the backhoes were already included in the approved budget.

Councilmember Stewart moved to approve the purchase of a one-ton truck from Crown Power at \$50,295.65, minus \$5,000 for the trade-in; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Water Treatment Chemical Bids

Mayor Pro Tem Crist moved to approve bids for water treatment chemicals - lime from Mississippi Lime, alum from General Chemical Company, and the remaining chemicals from G.S. Robins Company; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Police Car Bids

Mayor Pro Tem Crist moved to approve the lease purchase of three 2005 police vehicles from Jim Robertson Chevrolet; seconded by Councilmember Scott.

Tim King explained these vehicles will be replacements. Bids were received for trade-in's. Staff recommends a two-year government lease purchase contract for the three vehicles, and selling the current used vehicles to Bay Ridge Auto of Chicago for \$12,200. The total lease price would be \$38,797, making the annual payment of \$20,135.62. The Chevrolet Impala was evaluated for a number of months as an alternative to the Ford Crown Victoria, and performed well with only routine maintenance required.

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

Shrine Parade

Mayor Pro Tem Crist moved to approve the use of city streets for the Shrine Parade on June 11; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Liquor License - Main Street Billiards

Mayor Pro Tem Crist moved to approve a liquor license for Main Street Billiards, located at 119 North Main; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Committee/Board Appointments

Councilmember Scott moved to approve committee/board appointments and reappointments previously discussed by the City Council; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Board of Adjustment

Adam Dorrell - New Appointment for 5-year term

Planning and Zoning Commission

John Witt - New Appointment for 4-year term

Dean West - New Appointment for 4-year term

Doug Kollar - Reappointment for 4-year term

Tax Increment Commission (TIF)

Brenda Hunter - New Appointment to fill unexpired term to 10/05

Telecommunications Commission

Ron Winkler - Reappointment for 3-year term

Leon Devlin - Reappointment for 3-year term

Cynthia Cooper - Reappointment for 3-year term

Kevin Baiotto - New Appointment to fill unexpired term to 6/06

Second Reading

BILL NO.2005-24

ORDINANCE NO. 11711

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, ELECTING A BENEFIT CHANGE UNDER THE MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM PLAN.

BE IT ORDAINED THAT THE City Council on behalf of the City of Kirksville, an employer under the Missouri Local Government Employees' Retirement System, hereby elects the following:

(1) To adopt no change in the contributions from covered employees, keeping the requirement of no contributions from covered employees in accordance with the provisions of 70.705 and 70.730, RSMo 1994, as amended by RSMO 1998 Supp.

(2) To adopt no change in the method of determining a member employee's final average salary, keeping a sixty consecutive-month period for determining a member employee's final average salary in accordance with 70.600 and 70.656, RSMo 1994, as amended by RSMo 1998 Supp.

(3) To adopt a change in the Benefit Program of member employees, changing to Benefit Program L-7 (1-1/2%).

(4) To adopt no change in the Benefit Program of member employees, keeping member employees option of Retirement upon attaining minimum service retirement age.

BILL NO. 2005-25

ORDINANCE NO. 11712

AN ORDINANCE REPEALING CERTAIN SECTIONS OF CHAPTER 11, AND ADOPTING CERTAIN ENFORCEMENT PROVISIONS RELATING TO THE PROPERTY MAINTENANCE CODE AND NUISANCES.

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

Section 1: Sections 11-31, 11-32 and 11-33 are hereby repealed.

Section 2: Section 17-3 is hereby adopted to read as follows:

17-3 Enforcement of certain conditions as Nuisance

(a) Unlawful to let weeds, grasses and vegetation stand without cutting.

The owner, owners, lessee, occupant, or any agent, representative or employee of such owner having control of any occupied or unoccupied lot or parcel of land within the City shall keep weeds, noxious weeds, "indigenous (native) grasses" (not including ornamental grasses), grasses and obnoxious growths of vegetation mowed, cut down, removed and under control as provided herein or in accordance with section 302 of the Property Maintenance Code and whenever such weeds, noxious weeds, grass or obnoxious growths of vegetation shall extend more than eight inches (8") above the ground on any part of the property, [or eighteen inches (18") in the case of indigenous (native) grasses], the growth shall be presumed to be in violation of this section. The portions of the property which must be maintained in accordance with this article, shall include all portions of the property, including those portions in front of any structures, at the side of any structures, and at the rear of the property, to the property line, along any alley way and along any curbside; excepting only those portions of any property subject to an active agriculture use, within a natural wooded area, prairie land management area (requires a permit), or twenty feet (20') from a stream bank.

(b) Unlawful to allow accumulation of trash, rubbish or garbage.

The owner, owners, lessee, occupant, or any agent, representative or employee of such owner having control of any occupied or unoccupied lot or parcel of land within the City shall not allow an accumulation of trash, garbage or rubbish in violation of section 307 of the Property Maintenance Code that is or may become putrid, offensive or detrimental to human health. For purposes of this section, trash shall be defined to include garbage and rubbish, as defined in the Property Maintenance Code.

(c) Declaration of Violation as Nuisance.

It is hereby declared to be an ordinance violation as a nuisance for any owner of real property, lessee, occupant, or any agent, representative or employee of such owner having control of any occupied or unoccupied lot or parcel of land within the City to permit weeds, noxious weeds, indigenous (native) grasses (not including ornamental grasses), grass or obnoxious growths of vegetation to grow without control or fail to mow or otherwise cut down, mow or regularly control such growth in violation of subsection (a) of this section, or permit the accumulation of trash as prohibited in subsection (b) of this section. Violations of this subsection may be prosecuted in Municipal court. Any person who violates this section shall, upon conviction, be punished as provided in section 1-7 of this Code. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the code officer may, without further notification proceed to prosecution, notwithstanding any notice requirement contained in the Property Maintenance Code.

(d) Abatement of Nuisance, Hearing and Special Tax Bill.

In the alternative to a prosecution in Municipal Court, the City may seek abatement of the nuisance and imposition of a tax bill. Notwithstanding any provisions for Notice as contained in the Property Maintenance Code, this section shall control in those instances where the City elects to proceed with abatement and imposition of a special tax bill. The Head of the Codes

Department of the City is designated as the city official for this purpose under section 71.285 of the Missouri Revised Statutes. Said city official may notify the owner or owners of said property, or his or their agents, either personally or by United States Mail or by posting such notice on the premises, that the City will conduct a hearing after ten (10) days at which time the City may declare the weeds or trash to be a nuisance and order the same to be abated within five (5) days; and in case the weeds or trash are not removed within said five (5) days, the City may seek any remedy provided by law or may have the weeds removed, and shall certify the costs of same to the finance department, who shall cause a special tax bill therefore against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and a tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality of the same, or in proceedings leading up to the issuance, shall be a defense thereto. Such special tax bill, if not paid when due, shall bear interest as provided by law.

If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the code officer may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described herein. The provisions of this paragraph do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

(e) Definitions.

Active agriculture use shall be defined as those portions of any property which the owner or occupant has used primarily for agriculture. The Adair County Assessor's determination as to land classification shall be prima facie evidence of the current land use. Agriculture land use includes the tilling of the soil, the raising of crops, horticulture, apiculture, livestock farming, the raising of small animals and poultry, dairying and/or animal husbandry.

Active agricultural uses of property shall be allowed, so long as the use otherwise complies with any applicable zoning provisions. However, a minimum cleared space or buffer of no less than six feet (6') from the property line and no greater than eight inches (8") in height shall be maintained along all property lines, excepting those property lines where the adjoining property is an active agricultural use property.

Harvested hay shall be removed from the field and properly stored on the property by means of placing in road, stacking, storing within a structure or removed from the property within thirty (30) days of being baled.

Natural wooded area means an area where the land, trees, and vegetation are in and continue to remain in their natural state.

Noxious weeds includes Bindweed (*Convolvulus arvensis*), Johnson grass (*Sorghum halepense*), multiflora rose (*Rosa multiflora*) except when cultivated for or used as understood for cultivated roses, Canada thistle (*Cirsium arvense*), musk thistle (*Carduus nutans* L.), Scotch

thistle (*Onoprodum acanthium* L.), purple loosestrife (*Lythrum salicaria*), and any other weed designated as a noxious by Missouri Statute or Regulation.

Obnoxious growth of vegetation shall mean large growths which either may or do constitute a menace to health, public safety or welfare or when dry, a fire menace to adjacent improved properties.

Owner shall mean the record owner of the property. In the case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable under this chapter.

Prairie land management area means an area approved by the City for the purpose of restoring the site to a native appearance, included are native, savanna, prairie, and wetland sites. The owner must apply for a permit prior to the development of such area. Control of obnoxious and noxious weeds, plants and vegetation shall be required as a condition of any such permit.

Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

BILL NO. 2005-26 **ORDINANCE NO. 11713**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE REVISION OF A MINOR SUBDIVISION OF LANDS LOCATED IN THE 400 BLOCK OF STEER CREEK WAY.

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

WHEREAS, the Plat of Emil Green Addition, a minor subdivision to the City of Kirksville, Missouri, has been subdivided into four tracts of land within the City of Kirksville, Missouri, described herein and is incorporated herein by reference, and has been regularly certified by Edward Cleaver, licensed surveyor number LS 1241, and

WHEREAS, the plat of land is described as follows:

DESCRIPTION of Tract 1: A tract of land situated in the Southwest Quarter of Section 2, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of said Section 2; thence along the Section line, North 89 degrees 57 minutes 35 seconds East, a distance of 1294.92 feet; thence leaving the last described line, North 0 degrees 00 minutes East, a distance of 345.98 feet to the point of beginning of the description herein, TOWIT: thence continuing North along said line, a distance of 108.40 feet; thence North 89 degrees 57 minutes 35 seconds East, a distance of 214.00 feet; thence South 0 degrees 00 minutes 00 seconds West, a distance of 108.40 feet; thence South 89 degrees 57 minutes 35 seconds West, a distance of 214.00 feet to the point of beginning; containing 0.5 acre, more or less. Subject to any and all easements of record.

DESCRIPTION of Tract 2: A tract of land situated in the Southwest Quarter of Section 2, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly

described as follows:

Commencing at the Southwest corner of said Section 2; thence along the Section line, North 89 degrees 57 minutes 35 seconds East, a distance of 1294.92 feet; thence leaving the last described line, North 0 degree 00 minutes 00 seconds East, a distance of 176.91 feet to the point of beginning of the description herein, TOWIT: thence continuing North along said line, a distance of 169.07 feet; thence North 89 degrees 57 minutes 35 seconds East, a distance of 214.00 feet; thence South 0 degrees 00 minutes 00 seconds West, a distance of 235.00 feet to a point on the North right of way line of Route 11; thence along said line, the following courses and distances; South 89 degrees 57 minutes 35 seconds West, a distance of 91.31 feet; thence North 61 degrees 46 minutes 44 seconds West, a distance of 139.24 feet to the point of beginning; containing 1.1 acre, more or less. Subject to the rights of way of Route 11 and any easements of record.

DESCRIPTION of Tract 3: A tract of land situated in the Southwest Quarter of Section 2, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of said Section 2; thence along the Section line, North 89 degrees 57 minutes 35 seconds East, a distance of 1294.92 feet; thence leaving the last described line, North 0 degrees 00 minutes 00 seconds East, a distance of 454.38 feet; thence North 89 degrees 57 minutes 35 seconds East, a distance of 214.00 feet to the point of beginning of the description herein, TOWIT: thence continuing East along said line, a distance of 87.00 feet; thence leaving the last described line, North 0 degrees 00 minutes 00 seconds East, a distance of 343.40 feet to the point of beginning; containing 0.7 acre, more or less. Subject to the rights of way of Route 11 and any easements of record.

DESCRIPTION of Tract 4: A tract of land situated in the Southwest Quarter of Section 2, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of said Section 2; thence along the Section line,

North 89 degrees 57 minutes 35 seconds East, a distance of 1294.92 feet; thence leaving the last described line, North 0 degrees 00 minutes 00 seconds East, a distance of 454.38 feet; thence North 89 degrees 57 minutes 35 seconds East, a distance of 214.00 feet to the point of beginning of the description herein, TOWIT: thence continuing East along said line, a distance of 87.00 feet; thence South 0 degrees 00 minutes 00 seconds West, a distance of 343.40 feet to a point on the North right of way line of Route 11; thence along said line, South 89 degrees 57 minutes 35 seconds West, a distance of 87.00 feet; thence leaving the last described line, North 0 degrees 00 minutes 00 seconds East, a distance of 343.40 feet to the point of beginning; containing 0.7 acre, more or less. Subject to the rights of way of Route 11 and any easements of record.

SEWER LINE EASEMENT DESCRIPTION: The centerline of a 20 foot wide sewer line easement, being 10 feet on either side of said centerline, situated in the Southwest Quarter of Section 2, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of said Section 2; thence along the Section line, North 89 degrees 57 minutes 35 seconds East, a distance of 1294.92 feet; thence leaving the last described line, due North, a distance 345.98 feet; thence North 89 degrees 57 minutes 35 seconds East, a distance of 98.68 feet to the point of beginning of the description herein, TOWIT: thence North 58 degrees 50 minutes 15 seconds East, a distance of 21.40 feet; thence North 72 degrees 43 minutes 56 seconds East, a distance of 132.02 feet to the point of ending. Subject to any and all easements of record.

WHEREAS, the "Plat" shall be recorded in the Recorder's Office of Adair County, Missouri.

NOW, THEREFORE, Emil Green Addition 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. 2005-27

ORDINANCE NO. 11714

AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR REAL ESTATE IN THE 4000 BLOCK OF NORTH BALTIMORE STREET.

WHEREAS, Richard and Kathy Roberts, hereinafter referred to as the Owners/Developers, are the owners of the following described real estate, situated in Kirksville, Adair County, Missouri, to-wit:

Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the Northeast Corner of said Section; thence South 0 degrees 25 minutes 49 seconds West, a distance of 2638.80 feet; thence South 88

degrees 30 minutes 49 seconds West, a distance of 1652.70 feet; thence South 0 degrees 24 minutes 09 seconds West, a distance of 799.70 feet to the POINT OF BEGINNING; TO WIT: THENCE CONTINUING South along said line, a distance of 537.00 feet; thence South 88 degrees 54 minutes 09 seconds West, a distance of 832.93 feet to a point on the Easterly right of way of Route 63; thence along said right of way the following courses and distances, North 11 degrees 32 minutes 54 seconds West, a distance of 73.05 feet; thence North 0 degrees 50 minutes 54 seconds East a distance of 465.24 feet; thence leaving said right of way North 88 degrees 54 minutes 09 seconds East a distance of 844.43 feet to the POINT OF BEGINNING.

WHEREAS, the Owner/Developer has submitted a site development plan, and the development of the property shall be in complete accord with said development plan, which was approved by the Planning and Zoning Commission of the City of Kirksville, Missouri, and furthermore, shall be subject to the following conditions:

1. Complete architectural plans for the Owner/Developer building be submitted to City Staff for their review and approval before a building permit is issued.
2. Storm water management plans be submitted by the Owner/Developer and approved by the City Engineer.
3. The requirement for hard surface of the driveway that connects North Highway 63 to the customers proposed parking area be gravel surface for a two (2) year period, subject to a bond or other means of surety approved by the City.

WHEREAS, the aforesaid site development plan was duly referred to the Planning and Zoning Commission of the City of Kirksville, Missouri, for hearing, report and recommendation and it is the finding of this Council that a hearing was held by said Planning and Zoning Commission on May 11, 2005, and after hearing thereon it is the recommendation of said Commission to this Council that the development plan and final building plans be approved; and

WHEREAS, after due hearing herein, it is the finding of this Council that the greatest benefit can be derived for the City of Kirksville and the inhabitants thereof by granting approval of the development plan attached hereto, and would not be detrimental or hazardous to the adjoining property owners or the inhabitants of the City of Kirksville, Missouri, as a whole but would in fact, enhance the orderly development of said property; and

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

The development plan as submitted and approved by the Kirksville Planning and Zoning Commission subject to the following;

1. Architectural building plans be approved by the City Staff.

2. Storm water management plans to be reviewed and approved by the City Engineer.
3. The requirement for hard surface of the driveway that connects North Highway 63 to the customers proposed parking area be gravel surface for a two (2) year period, subject to a bond or other means of surety approved by the City.

Mayor Pro Tem Crist moved to adopt Bill Nos. 2005-24, 2005-25, 2005-26 and 2005-27 on second reading; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none

Council Comments

Mari Macomber said she would like to call a Study Session for June 6, instead of June 13, since she will be out of town. There was a consensus of the Council to do so.

ADJOURNMENT

There being no further business to come before the Council, Councilmember Stewart moved to adjourn to an executive session concerning real estate, RsMO 610.021(2); seconded by Councilmember Scott. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

Mayor Masten adjourned the meeting at 8:15 p.m.

Vickie Brumbaugh, CMC, MRCC