

JOURNAL OF THE CITY COUNCIL

Regular Session - July 25, 2005

COUNCIL & STAFF PRESENT:

Debbie Masten	Mayor
Tim Crist	Mayor Pro Tem
Martha Rowe	Councilmember
Ron Stewart	Councilmember
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

ABSENT:

Rich Scott	Councilmember
Howard Hickman	City Attorney

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, July 25, 2005, at 7:00 p.m. in the City Hall Council Chambers.

INVOCATION

Reverend Jim Robinson, First United Methodist Church, gave the Invocation.

PLEDGE

Mayor Masten and the Council led the Pledge of Allegiance.

MINUTES

Mayor Masten asked for corrections or changes to the minutes of the Regular Session of June 27, and the Special Session of June 30, 2005. Councilmember Rowe moved to approve the minutes, as distributed; 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, absent; Councilmember Stewart, aye. Nays, none.

ORDER OF AGENDA

City Manager Macomber asked the Council to consider an addition to the agenda as Item 9G - A motion authorizing the City Manager to sign contracts for the computer system.

Councilmember Stewart moved to approve the agenda as amended; 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, absent;

Councilmember Stewart, aye. Nays, none.

INFORMATION PRESENTATION

Mari Macomber reported the Finance Department has received the Government Finance Officers Association Award for 19 years. Mayor Masten presented the plaque to Finance Director Laura Guy.

CITIZEN PARTICIPATION

None.

ACTION PRESENTATIONS

BILL NO. 2005-37

AN ORDINANCE AMENDING SECTION 23-50 OF ARTICLE II, DIVISION 3 DOWNTOWN BUSINESS DISTRICT GROSS SALES ALLOWING FOR THE RENEWAL OF THE GROSS SALES TAX, ORIGINALLY ESTABLISHED BY ORDINANCE NO. 10780.

Councilmember Stewart moved to adopt Bill No. 2005-37 on first reading; seconded by Councilmember Rowe.

Kris McKim reported that KDIC asked last year for renewal of the gross sales tax for another year, and that they would solicit downtown businesses for membership to be a self support entity. They have been unsuccessful at sustaining enough members. Therefore, KDIC is asking for renewal of the gross sales tax for another year. They have decided to direct their budget to improve the appearance of the downtown that will make businesses want to invest in KDIC. Sheltered Workshop will be paid to maintain the planting beds, spray weeds and pick up trash in the alleys downtown.

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

BILL NO. 2005-38

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

Mayor Pro Tem Crist moved to adopt Bill No. 2005-38 on first reading; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, absent; Councilmember Stewart, aye. Nays, none.

Bid - Backhoes

Councilmember Rowe moved to approve a bid for two backhoes from Crown Power Equipment Company; seconded by Mayor Pro Tem Crist.

John Buckwalter, Public Works Director, reported that bids were opened last May, and

Crown Power was the low bidder for two backhoes at \$153,016, or \$76,508 each, to replace two backhoes - 1997 and 1999 models. These are essential for Utility Maintenance and Street construction. Mr. Buckwalter reported that if the purchase of these backhoes was deferred until next year, the cost would be \$35,000 more, plus an estimated \$6,000 to \$8,000 per year to maintain the older backhoes. Crown Power's bid is good through the end of this month.

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

Watershed Commission

Mayor Pro Tem Crist moved to approve the creation of a Watershed Management Commission; seconded by Councilmember Rowe.

City Manager Macomber reported the Council had agreed last January to establish a Watershed Management Commission. In March, the Council reviewed the first draft of a proposed plan. The City received comments from DNR in April on the management plans, and the Council requested additional information regarding requirements of the DNR. The Mayor and City Manager met with DNR in May. City staff met with representatives of various organizations in June. Letters from the City Manager were mailed early July to those organizations requesting participation on the Commission. Letters will also go to landowners in the Hazel Creek area. The Council is asked to formally approve the Watershed Management Commission, and member names will be brought before the Council at their August meeting, with the intent to hold the Commission's first meeting in September.

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

Committee/Board Appointments

Mayor Pro Tem Crist moved to reappoint current members, contingent upon their acceptance, of the Airport and Transportation Commission, the Housing Authority and the Tax Increment Financing Commission; seconded by Councilmember Stewart.

Airport & Transportation Commission - Pete Detweiler and Ron Winkler

Housing Authority - Sophia Korellas

Tax Increment Financing - Jon Broce and Brenda Hunter

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

Second Reading

BILL NO. 2005-37

ORDINANCE NO. 11721

AN ORDINANCE AMENDING SECTION 23-50 OF ARTICLE II, DIVISION 3 DOWNTOWN

BUSINESS DISTRICT GROSS SALES ALLOWING FOR THE RENEWAL OF THE GROSS SALES TAX, ORIGINALLY ESTABLISHED BY ORDINANCE NO. 10780.

WHEREAS, the Kirksville Downtown Improvement Committee, Inc. (KDIC) has been working to establish a membership base to support the needs of the central business district; and

WHEREAS, the membership support to date has not generated the revenues needed by the organization; due in part to a lack of visible improvement in the downtown; and

WHEREAS, the KDIC has revised its current budget toward activities that will make visible improvements in the downtown area, and will be perceived as a benefit of membership by the downtown businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI.

SECTION I. That Section 23-50 is amended to read as follows:

“This ordinance shall be in full force and effect from July 1, 2005 for a period of one (1) calendar year, to terminate June 30, 2006.”

SECTION II. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an amendment.

BILL NO. 2005-38 **ORDINANCE NO. 11722**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

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

Section 1. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest. The Mayor or any members of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision, and

B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

C. The City Manager also shall disclose by May 1 for the previous calendar year the following information:

I. The name and address of each of the employers of such person from who income of one thousand dollars or more was received during the year covered by the statement.

II. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

III. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports shall be filed with the City Clerk and with the Missouri Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any

calendar year.

A. Each person appointed to office shall file the statement within thirty days of such appointment or employment.

B. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. When this ordinance is adopted, the City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption and prior to September 15, 2005.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

Mayor Pro Tem Crist moved to adopt Bill No. 2005-37 and 2005-38 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, absent; Councilmember Stewart, aye. Nays, none.

Bid - Seat Management

Mayor Pro Tem Crist moved to authorize the City Manager to execute contracts for seat management with Computerland; seconded by Councilmember Stewart.

Kris McKim explained that the city has been looking for some time on how to bring our computer system up to date, software and compatibility. Bid invitations were sent to eight vendors and one proposal was received from Computerland. Option 1 is recommended which will provide the software and work stations, including maintenance for a three year period, that will bring the city under a unified network.

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

ADJOURNMENT

There being no further business to come before the Council, Mayor Masten adjourned the meeting at 7:30 p.m.

Vickie Brumbaugh, CMC, MRCC