

JOURNAL OF THE CITY COUNCIL

Regular Session - August 22, 2005

COUNCIL & STAFF PRESENT:

Debbie Masten	Mayor
Tim Crist	Mayor Pro Tem
Martha Rowe	Councilmember
Rich Scott	Councilmember
Ron Stewart	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
Kris McKim	Assistant City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, August 22, 2005, at 7:00 p.m. in the City Hall Council Chambers.

INVOCATION

John Rowe, Layperson of the First Presbyterian 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 July 25, 2005. Mayor Pro Tem Crist moved to approve the minutes, as distributed; 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.

ORDER OF THE AGENDA

Councilmember Stewart moved to approve the order of the agenda 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, aye; Councilmember Stewart, aye. Nays, none.

PUBLIC HEARING

Mayor Masten opened the Public Hearing on the 2005 tax levy at 7:05 p.m.

Finance Director Laura Guy explained that the public hearing is held for citizen comments regarding setting the tax levy of 68.40 cents per \$100 valuation for general operations.

There being no citizen comments, Mayor Masten closed the public hearing at 7:06 p.m.

CITIZEN PARTICIPATION

Lance Finer, 615 East McPherson, read a scripture from Psalms.

ACTION PRESENTATIONS

BILL NO. 2005-39

RESOLUTION NO. R8-22-519

A RESOLUTION RECOGNIZING BOBBY LENE, FLEET MAINTENANCE SUPERVISOR, UPON HIS RETIREMENT FOR 32 YEARS AND 1 MONTH OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.

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

WHEREAS, **Bobby Lene** has worked for the City of Kirksville Public Works Department since June 27, 1973, and

WHEREAS, **Bobby Lene** was hired as a Mechanic, and was appointed as Central Garage Supervisor in 1982; and

WHEREAS, **Bobby Lene** was appointed to his current position of Fleet Maintenance Supervisor in January of 1983; and

WHEREAS, **Bobby Lene** retired on July 29, 2005, after serving the City of Kirksville and its citizens for 32 years and 1 month.

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

Councilmember Rowe moved to approve Bill No. 2005-39; 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.

BILL NO. 2005-40

RESOLUTION NO. R8-22-520

A RESOLUTION REGARDING THE BID/CONTRACT FOR CITY OF KIRKSVILLE ROUTE P ANNEXATION SANITARY SEWER IMPROVEMENT PROJECT NO. SE-04-002. (C295250-07)

WHEREAS, The City of Kirksville has publicly advertised and opened bids for the City of Kirksville Route P Annexation Sanitary Sewer Improvement, and

WHEREAS, the lowest and best bid in the amount of \$468,904.00 was submitted by Willis Brothers, Inc., of Macon, Missouri,

NOW, THEREFORE, BE IT RESOLVED that the City does accept the bid of Willis Brothers, Inc.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute on behalf of the City any agreements or documents regarding the bid upon approval and notification of authorization by the Missouri Department of Natural Resources.

Mayor Pro Tem Crist moved to approve Bill No. 2005-40; seconded by Councilmember Rowe.

City Engineer Buckwalter reported that Willis Brothers was the only bidder at \$468,904; the engineer's estimate was \$479,940. When Route P is done, this will complete all sewer work in the annexation area that was in the Plan of Intent

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. 2005-41

AN ORDINANCE LEVYING TAXES AND ESTABLISHING PROPERTY TAX RATES FOR CITY PURPOSES FOR THE FISCAL YEAR 2005.

Mayor Pro Tem Crist moved to adopt Bill No. 2005-41 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, aye; Councilmember Stewart, aye. Nays, none.

BILL NO. 2005-42

AN ORDINANCE REZONING REAL ESTATE (WEST MISSOURI AND NORTH BOUNDARY STREETS) DESCRIBED HEREIN FROM DISTRICT R-1, SINGLE FAMILY RESIDENTIAL, TO DISTRICT R-2, TWO-FAMILY RESIDENTIAL, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.

Councilmember Stewart moved to adopt Bill No. 2005-42 on first reading; seconded by Councilmember Rowe.

Code Administrator Frazier explained the owners Doug and Vicky Porter, and Craig and Carol Kilmer have requested rezoning to develop a six lot subdivision for the building of duplexes.

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. 2005-43

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE PLAT FOR KILMER'S AND PORTER'S FOURTH ADDITION.

Mayor Pro Tem Crist moved to adopt Bill No. 2005-43 on first reading; seconded by Councilmember Stewart.

Paul Frazier reported that the Planning and Zoning Commission unanimously supported approval of the plat. Neighbors in the area did voice concern about future improvement plans to the streets serving the subdivision. Missouri Street has deteriorated. The City Manager said that the Council will discuss these improvements at their upcoming retreat.

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.

Mill Street Improvements Bid

Mayor Pro Tem Crist moved to approve a bid from Mihalevich Concrete Construction for Mill Street Improvements; seconded by Councilmember Scott.

John Buckwalter explained the improvements include reconstruction of Mill Street from Don to Elson Streets. Mill Street is a very narrow street with severe drop offs. This street was not on the five-year plan, but was added to the 2005 program to complete the city's obligations under the 2000 CDBG. Mill Street had to be improved in order to close the block grant. Mihalevich was the low bidder out of four bids at \$79,359.14. Construction will begin in three weeks.

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 Plant Security System Bid

Councilmember Rowe moved to approve a bid to TH&N Electric for a security system for the water plant; seconded by Mayor Pro Tem Crist.

John Buckwalter explained this will provide an automatic gate opener and security enhancements at the city's water treatment plant. TH&N Electric was the only bidder at \$11,715. This system will be funded entirely by the Emergency Preparedness grant funds.

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.

Lease Agreement with A.T. Still University for Annex

Councilmember Rowe moved to authorize the City Manager to execute a lease agreement with A.T. Still University for the annex building; seconded by Mayor Pro Tem Crist.

Mari Macomber explained that the City Council had a study session to identify properties that might be used for other purposes. The Annex building, on Osteopathy Street, is currently occupied by A.T. Still. It was appraised at \$228,000. The current lease expired this month. A Day Care and the Christian Food Bank, and Still's university relations division are housed in the Annex building. The City has negotiated a ten-year lease of \$4.00 a square foot, \$7,376 per year, for ten years. The University will maintain and serve as the landlord. The City will require proof of insurance at the value of the current appraisal. Howard Hickman added that A.T. Still requested a right of first refusal should the City at any time during the life of the lease receive an offer to purchase the building from a third party. The right of first refusal excludes a purchase for an economic development project.

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.

Addendum to Water Supply District Agreement

Councilmember Stewart moved to approve an addendum to the Water Supply District Agreement for extension of water mains to the Regional Airport; seconded by Mayor Pro Tem Crist.

Mari Macomber explained the addendum requires both the City and the Water District to deposit the total amount of funds into a separate checking account to complete the project of extending water mains to the airport along Highway 63.

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 Watershed Commission Membership

Councilmember Stewart moved to amend the membership of the Watershed Management Commission by adding one property owner and one citizen to the Commission, stating that there were 13 members, then the count was dropped down to 11; seconded by Councilmember Rowe.

Councilmember Stewart said that he wanted to give citizens and landowners the opportunity to serve.

Jill McCord , 301 South Cottage Grove, asked the Council to consider a member from the Hazel Creek Concerned Citizens be included on the Watershed Commission.

Mayor Masten stated that the Hazel Creek Concerned Citizens had never asked to be included on the Watershed Management Commission. She further stated that Scott Ellis,

Martha Rowe and Jerry Smith are current members of the Concerned Citizens. She announced that minutes of the August 15th Study Session where members of the Commission were discussed are available.

Councilmember Rowe stated that she was not speaking as a representative of the Hazel Creek Concerned Citizens, but as a Councilmember, when attending the Concerned Citizens group meetings.

Ron Gaber, Chair of the Concerned Citizens, said that Scott Ellis had asked that he be eliminated from the Concerned Citizens because he would like to serve on the Watershed Commission, and thought it might keep him from be appointed. Mr. Gaber further stated that Dr. Jerry Smith attended one meeting and is not considered a member. The three people recommended by the Concerned Citizens were Clayton Dillavou, Darcy Cashatt and Frank Oberle. Harriett Beard would be valuable because of her history known when the lake was purchased.

Mayor Masten stated the Council believed they had representation from the Concerned Citizens from the list they had in possession. Ron Gaber said the list of members is approximately 70 people, many more than what appears on the list the Council has.

Councilmember Stewart reported he had made contact with a landowner who is willing to serve and is not representing anyone except the citizens.

Councilmember Crist said that he thought the Concerned Citizens were represented by Scott Ellis and Jerry Smith.

Councilmember Stewart withdrew his original motion to add additional citizen positions to the Watershed Management Commission. Councilmember Rowe withdrew her second to the motion.

Councilmember Stewart moved to table any action on Item J - Amendment to the Watershed Commission membership, and Item K - Appointments to the Watershed Commission; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, nay; Councilmember Scott, aye; Councilmember Stewart, aye. Ayes - 4; Nays - 1.

Second Reading

BILL NO. 2005-41

ORDINANCE NO. 11724

AN ORDINANCE LEVYING TAXES AND ESTABLISHING PROPERTY TAX RATES FOR CITY PURPOSES FOR THE FISCAL YEAR 2005.

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

SECTION I. For the purpose of providing for the expenditures for the fiscal year 2005, it is hereby determined that the tax rate required to generate revenues needed from ad

valorem taxes for the General Operating Fund is as follows:

FUND	LEVY
General Operating	\$.6840

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the City Council of the City of Kirksville.

BILL NO. 2005-42 **ORDINANCE NO. 11725**
AN ORDINANCE REZONING REAL ESTATE (WEST MISSOURI AND NORTH BOUNDARY STREETS) DESCRIBED HEREIN FROM DISTRICT R-1, SINGLE FAMILY RESIDENTIAL, TO DISTRICT R-2, TWO-FAMILY RESIDENTIAL, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.

WHEREAS, Doug and Vicky Porter, and Craig and Carol Kilmer, hereinafter referred to as the Petitioner, is the owner of the following described real estate, situated in Kirksville, Adair County, Missouri, to-wit:

A tract of land situated in the Northeast Quarter of Section 8, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4 of Kilmer's and Porter's First Addition to the City of Kirksville; thence along the Northerly right of way line of Missouri Street, the following courses and distances; South 76 degrees 21 minutes 55 seconds West, a distance of 78.30 feet; thence South 71 degrees 37 minutes 47 seconds West, a distance of 75.36 feet; thence South 71 degrees 37 minutes 46 seconds West, a distance of 110.26 feet to the point of curve, having a radius of 1077.80 feet: thence West along said curve, a distance of 244.33 feet; thence leaving the last described line, North 0 degrees 45 minutes 17 seconds East, a distance of 261.24 feet; thence North 41 degrees 32 minutes 07 seconds East, a distance of 252.32 feet; thence North 86 degrees 01 minute 31 seconds East, a distance of 186.53 feet; thence North 46 degrees 56 minutes 58 seconds East, a distance of 30.37 feet; thence North 87 degrees 04 minutes 08 seconds East, a distance of 100.34 feet to a point on the Westerly right of way line of Boundary Street; thence along said right of way line, the following courses and distances; South 7 degrees 17 minutes 49 seconds West, a distance of 44.89 feet; thence South 0 degrees 25 minutes 07 seconds East, a distance of 54.51 feet to the Northeast corner of Lot 1 of Kilmer's and Porter's First Addition; thence South 89 degrees 27 minutes 42 seconds West, a distance of 135.00 feet to the Northwest corner of Lot 1 thereof; thence South 0 degrees 32 minutes 18 seconds East, a distance of 146.22 feet to the Southwest corner of Lot 2 thereof; thence North 89 degrees 27 minutes 42 seconds East, a distance of 143.48 feet to the Northeast corner of Lot 4 thereof; thence along the Westerly right of way line of Boundary Street, South 2 degrees 53 minutes 57 seconds East, a distance of 110.00 feet to the point of beginning; said described tract containing 3.6 acres, more or less. Subject to any and all easements of record.

WHEREAS, Petitioner has petitioned for the rezoning of the above described real estate

from District R-1 under Article VI, Section 25-49, 25-51 of the City of Kirksville, Missouri, to District R-2 under Article VII, Section 25-52, 25-53 of said Code, and changing of the “zoning district map” as set forth under Article I of Section 25-6 of said Code in accordance therewith; and

WHEREAS, the aforesaid petition 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 August 10, 2005, and after hearing thereon it is the recommendation of said Commission to this Council that the rezoning sought in the preceding paragraph be allowed; 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 of the above stated Petition to rezone and that the rezoning sought herein 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

WHEREAS, it is the finding of this Council that all requirements of the Code of the City of Kirksville for the rezoning of the above-described real estate from District R-1 to District R-2 have been met by Petitioners;

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

That the real estate described herein be and the same is hereby rezoned from District R-1 under Article VI of the Code of the City of Kirksville, Missouri, to District R-2, as set forth under Article I, Section 25-5 of said Code, and that the “zoning district map” as set forth under Article I of Chapter 25-6 of said Code be changed accordingly.

BILL NO. 2005-43 **ORDINANCE NO. 11726**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE PLAT FOR KILMER'S AND PORTER'S FOURTH ADDITION.

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

WHEREAS, Kilmer's and Porter's Fourth Addition, a proposed addition to the City of Kirksville, Adair County, Missouri, platting into lots the following described tract of land;

A tract of land situated in the Northeast Quarter of Section 8, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4 of Kilmer's and Porter's First Addition to

the City of Kirksville; thence along the Northerly right of way line of Missouri Street, the following courses and distances; South 76 degrees 21 minutes 55 seconds West, a distance of 78.30 feet; thence South 71 degrees 37 minutes 47 seconds West, a distance of 75.36 feet; thence South 71 degrees 37 minutes 46 seconds West, a distance of 110.26 feet to the point of curve, having a radius of 1077.80 feet; thence West along said curve, a distance of 244.33 feet; thence leaving the last described line, North 0 degrees 45 minutes 17 seconds East, a distance of 261.24 feet; thence North 41 degrees 32 minutes 07 seconds East, a distance of 252.32 feet; thence North 86 degrees 01 minute 31 seconds East, a distance of 186.53 feet; thence North 46 degrees 56 minutes 58 seconds East, a distance of 30.37 feet; thence North 87 degrees 04 minutes 08 seconds East, a distance of 100.34 feet to a point on the Westerly right of way line of Boundary Street; thence along said right of way line, the following courses and distances; South 7 degrees 17 minutes 49 seconds West, a distance of 44.89 feet; thence South 0 degrees 25 minutes 07 seconds East, a distance of 54.51 feet to the Northeast corner of Lot 1 of Kilmer's and Porter's First Addition; thence South 89 degrees 27 minutes 42 seconds West, a distance of 135.00 feet to the Northwest corner of Lot 1 thereof; thence South 0 degrees 32 minutes 18 seconds East, a distance of 146.22 feet to the Southwest corner of Lot 2 thereof; thence North 89 degrees 27 minutes 42 seconds East, a distance of 143.48 feet to the Northeast corner of Lot 4 thereof; thence along the Westerly right of way line of Boundary Street, South 2 degrees 53 minutes 57 seconds East, a distance of 110.00 feet to the point of beginning; said described tract containing 3.6 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, Douglas C. and Vicky Porter and Craig and Carol Kilmer, have executed a "Deed of Dedication of Kilmer's and Porter's Fourth Addition," and

WHEREAS, both "Plat" and "Deed of Dedication" shall be recorded in the Recorder's Office of Adair County, Missouri,

NOW, THEREFORE, the Plat of Kilmer's and Porter's Fourth 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.

Councilmember Rowe moved to adopt Bill No. 2005-41, 2005-42 and 2005-43 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.

ADJOURNMENT

There being no further business to come before the Council, Mayor Masten adjourned the meeting at 8:10 p.m.

Vickie Brumbaugh, CMC, MRCC