

# JOURNAL OF THE CITY COUNCIL *Regular Session -September 26, 2005*

## COUNCIL & STAFF PRESENT:

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, September 26, 2005, at 7:00 p.m. in the City Hall Council Chambers.

## **INVOCATION**

Don Kangas, Layperson of the Timber Ridge Church, gave the Invocation.

## **PLEDGE**

Cub Scout Pack 401 led the Pledge of Allegiance.

## **MINUTES**

Mayor Pro Tem Crist asked for corrections or changes to the minutes of the Regular Session of August 22, and Special Sessions of September 7 and 19, 2005. Councilmember Scott moved to approve the minutes, as distributed; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

## **ORDER OF THE AGENDA**

No changes to the agenda. City Manager Macomber pointed out that the Floodway Ordinance was distributed to the Council and media at tonight's meeting. Typo corrections have been made.

## **CITIZEN PARTICIPATION**

Jeff Newton, 903 East Orchard, President of the Downtown Improvement Committee, asked the Council to consider adopting an ordinance to protect the central business district from a strip/juice bar. He said it was imperative that something be done within the next ten days.

## **OLD BUSINESS**

Councilmember Stewart moved to remove from the table, and approve an amendment to

the Watershed Management Commission membership; seconded by Councilmember Scott.

City Manager Macomber asked the Council to add an additional citizen, and one landowner to the Commission. The Council considered, and tabled, this amendment at the August Council meeting. The USDA Rural Development had asked not to participate, and the NRCS asked to be an ex-officio member.

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

Councilmember Rowe moved to remove from the table, and approve appointments to the newly created Watershed Management Commission.; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

The Watershed Management Commission membership list is as follows:

Adair County Commissioners - Gary Jones

Adair County Health Department - Stewart Blessing

Citizens of the Community (3) - Kenny Coy, Dr. Jerry Smith, Clayton Dillavou

City Manager - Mari Macomber

Farm Service Administration (FSA) - Phillip Ayers

Land Owners (3) - Roger Bland, Jim Novinger, Martin Jayne

Department of Conservation (MDC) - Brian Todd

Truman State University Science Professional - Dr. Scott Ellis

University of Missouri Extension - Robert Broz

Ex-officio Members:

Adair County Public Water Supply - A Board Member of the Public Water Supply District

City of Kirksville - LPRC Chairperson - Sue Barrett

City of LaPlata - Ray Ivy

Natural Resources Conservation Service (NRCS) - Mike Bradley

### **ACTION PRESENTATIONS**

**BILL NO. 2005-48**

**RESOLUTION NO. R9-26-524**

**A RESOLUTION ENDORSING THE CONCEPT OF INTERCITY BUS SERVICE FOR MISSOURI AND ILLINOIS.**

WHEREAS, Intercity bus service in the Northern Missouri area has declined from twenty-two (22) stops to ten (10) stops in the past 25 years, a 55% reduction; and

WHEREAS, the Northern Missouri area is generally under served by public transportation; and

WHEREAS, the Missouri Department of Transportation, along with others have developed

an Intercity Bus Strategic Plan and Program providing for Intercity bus service to communities in Missouri that are currently under served by public transportation; and

WHEREAS, several of these bus routes could potentially serve the City of Kirksville, Missouri.

NOW THEREFORE, BE IT RESOLVED, that the City of Kirksville, Missouri endorses the concept of intercity bus service for Missouri and Illinois, including the service route shown on the attached Proposed Service Route Map.

Councilmember Rowe moved to approve Bill No. 2005-48; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-49** **RESOLUTION NO. R9-26-525**  
**A RESOLUTION OF THE CITY COUNCIL OF Kirksville, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT FOR THE 3010 INDUSTRIAL ROAD PROPERTY.**

Whereas, the City of Kirksville purchased the 3010 Industrial Road property in June 2003, to further economic development efforts in Kirksville; and

Whereas, Commercial Envelope Manufacturing Co., Inc. desires to lease the 3010 Industrial Road property for use as a manufacturing facility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KIRKSVILLE, that the City Manager is authorized to execute a Lease Agreement with Commercial Envelope Manufacturing Co., Inc. for the 3010 Industrial Road property.

Councilmember Rowe moved to approve Bill No. 2005-49; seconded by Councilmember Scott.

Kris McKim reported as a result of work by a lot of people - KREDI and city staff - an agreement was reached with Commercial Envelope to locate in the former Standard Register building, 3010 Industrial Road property. The lease provides for \$9,500 per month plus the company assumes all other expenses such as taxes, insurance, maintenance and utilities.

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

Ron Winkler, KREDI President, thanked the past Councilmembers and the city staff for their work to reach this moment with the 3010 building.

**BILL NO. 2005-50**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PUBLIC WATER SUPPLY**

**DISTRICT #1 OF ADAIR COUNTY FOR THE DETACHMENT OF CERTAIN WATER DISTRICT CUSTOMERS WITHIN THE ANNEXED AREA OF THE CITY.**

Councilmember Scott moved to adopt Bill No. 2005-50 on first reading; seconded by Councilmember Stewart.

City Manager Macomber reported this agreement will allow for the transfer of customers from the rural water service to a city water customer located in the annexation area. The Water District Board approved the agreement at their September meeting.

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

**BILL NO. 2005-51**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE REPEAL OF SECTIONS 25-100 THROUGH 25-113 OF CHAPTER 25, APPENDIX A, ARTICLE XXII, FLOODWAY AND FLOODWAY FRINGE DISTRICTS, OF THE CODE OF ORDINANCES, CITY OF KIRKSVILLE AND DECLARING SAME TO BE NULL AND VOID, AND OF NO EFFECT AND ENACTING NEW SECTIONS 25-100 TO 25-109, CITY OF KIRKSVILLE FLOOD PLAIN MANAGEMENT ORDINANCE.**

Councilmember Scott moved to adopt Bill No. 2005-51 on first reading; seconded by Councilmember Stewart.

Code Administrator Paul Frazier reported that SEMA inspected the City in the spring of 2005, which resulted in various changes and upgrades the city would need to make to comply with SEMA requirements. This Ordinance will place the city in compliance with those regulations of SEMA by repealing the previous Code.

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

**BILL NO. 2005-52**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE ADOPTION OF CERTAIN FLOODPLAIN MANAGEMENT PROCEDURES IN CONJUNCTION WITH THE CITY OF KIRKSVILLE'S FLOODPLAIN MANAGEMENT ORDINANCE.**

Councilmember Rowe moved to adopt Bill No. 2005-52 on first reading; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-53**

**AN ORDINANCE REZONING REAL ESTATE DESCRIBED HEREIN FROM DISTRICT R-1 SINGLE FAMILY RESIDENTIAL, TO DISTRICT C-1P, LOCAL BUSINESS PLANNED, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.**

Councilmember Stewart moved to adopt Bill No. 2005-53 on first reading; seconded by Councilmember Rowe.

Paul Frazier reported the request is to change the zoning of property south of East Shepherd Avenue, and west of the old international shoe factory building, that will allow for the development of Century Developers. They have requested the final plan approval be waived to allow for the purchase of the building components in a more timely fashion.

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

### **Rock Salt Bid**

Councilmember Stewart moved to approve a bid of \$39.70 per ton from Ron Potterfield Trucking; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

### **Change Order with Willis Brothers**

Councilmember Scott moved to approve a change order in the amount of \$10,898.70 with Willis Brothers for the East Annexation Sewer Improvements; seconded by Councilmember Rowe.

Public Works Director John Buckwalter explained the original contract did not include a paved entrance to the Illinois Street lift station which is required by MoDOT. The original agreement called for a gravel entrance. A couple of houses were picked up that were not there when the original plan was adopted, and a couple that were missed. This will complete the east annexation.

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

### **Addendum N with Benton & Associates**

Councilmember Rowe moved to authorize the City Manager to execute Addendum N to the agreement with Benton and Associates for modification of plans and specs for the water distribution south to the airport; seconded by Councilmember Scott.

John Buckwalter explained that the original plans were approved by MoDOT, the contract was bid out and awarded. MoDOT's plans for improvements to Highway 63 from Millard to the south city limits no longer requires a crossover of the water mains. The city needs to make a crossover in the vicinity of Jepson Lumber and the city's water line will lay on the west side and cross to the east side of Highway 63. MoDOT will reimburse the city for the cost to make this change.

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

### **Purchase of Used Tractors**

Councilmember Scott moved to authorize the purchase of two used tractors from Sydenstrickers for use by the Street Department and the Water Treatment Plant; seconded by Councilmember Stewart.

John Buckwalter explained they wish to trade three tractors to purchase two tractors, reducing the fleet by one. Sydenstricker has offered \$29,000 for one tractor which the city purchased used for \$32,824 three years ago. The Water Plant has a 1984 tractor used for mowing, and can trade for \$11,000. City Manager Macomber reminded the Council that six months ago the Council had approved staff to purchase used equipment, whereas they would have had to buy new.

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

### **Bid - WMD Equipment**

Councilmember Scott moved to approve the purchase of WMD Equipment from Fisher Scientific Company for \$11,943.49; seconded by Councilmember Stewart.

Fire Chief Randy Behrens reported the Homeland Security Response Team received a 2004 Domestic Preparedness Grant as part of the Federal Government's Weapons of Mass Destruction/Homeland Defense Program this year. The City must purchase the equipment initially, and then be reimbursed.

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

### **Bid - Interoperable Communications**

Councilmember Scott moved to approve the purchase of interoperable communications for the dispatch center from Wireless USA at a cost of \$18,795; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart.

### **Bid - Radio Console and Equipment**

Councilmember Stewart moved to approve the purchase of a radio console and equipment from Wireless USA of Columbia for \$88,783; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

### **Bid - Hospital Shelter**

Councilmember Rowe moved to approve the purchase of a hospital shelter from Battalion Three Inc. of Arnold, Missouri, for \$16,015; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

### **Liquor License - Too Talls The Inferno**

Councilmember Scott moved to approve a liquor license for Too Talls The Inferno, 220

North Elson, contingent upon required inspections prior to opening and a business license; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**High School Parade - Street Use**

Councilmember Stewart moved to approve the use of city streets (Franklin from Missouri to Normal) for the Kirksville High School Homecoming parade on October 7; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**TSU Homecoming Parade - Street Use**

Councilmember Rowe moved to approve the use of city streets (Franklin, Shepherd, First and Randolph Streets) for the Truman State University Homecoming parade and the 20<sup>th</sup> annual bulldog 5K race on October 22; seconded by Councilmember Stewart. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**TIF Reappointments**

Councilmember Stewart moved to reappoint Brenda Hunter and Jon Broce to the Tax Increment Financing Commission; seconded by Councilmember Scott. The motion carried by the following vote: Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Second Reading**

**BILL NO. 2005-50**

**ORDINANCE NO. 11728**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PUBLIC WATER SUPPLY DISTRICT #1 OF ADAIR COUNTY FOR THE DETACHMENT OF CERTAIN WATER DISTRICT CUSTOMERS WITHIN THE ANNEXED AREA OF THE CITY.**

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

**WHEREAS**, the City of Kirksville has annexed land into its corporate boundaries from time to time, and

**WHEREAS**, the Public Water Supply District #1 of Adair County has provided water service to these areas prior to annexation, and

**WHEREAS**, the City is obligated to and intends to provide water service to the residents within such annexed territory, and

**WHEREAS**, the Public Water Supply District #1 of Adair County intends to provide for the orderly transfer of these customers to the City.

**NOW, THEREFORE,** for and in consideration of the premises and mutual covenants set forth in the Detachment Agreement, the City Council of the City of Kirksville hereby authorizes the City Manager to execute the Detachment Agreement.

**BILL NO. 2005-51**

**ORDINANCE NO. 11729**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE REPEAL OF SECTIONS 25-100 THROUGH 25-113 OF CHAPTER 25, APPENDIX A, ARTICLE XXII, FLOODWAY AND FLOODWAY FRINGE DISTRICTS, OF THE CODE OF ORDINANCES, CITY OF KIRKSVILLE, AND DECLARING SAME TO BE NULL AND VOID, AND OF NO EFFECT AND ENACTING NEW SECTIONS 25-100 TO 25-109, CITY OF KIRKSVILLE FLOOD PLAIN MANAGEMENT ORDINANCE.**

[Due to the length of Bill No. 2005-51, and typed in a different format, the contents of this ordinance are not included in this copy of the minutes, but the ordinance does appear in its entirety in the official minutes and ordinance books.]

**BILL NO. 2005-52**

**ORDINANCE NO. 11730**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE ADOPTION OF CERTAIN FLOODPLAIN MANAGEMENT PROCEDURES IN CONJUNCTION WITH THE CITY OF KIRKSVILLE'S FLOODPLAIN MANAGEMENT ORDINANCE.**

[Due to the length of Bill No. 2005-52, and typed in a different format, the contents of this ordinance are not included in this copy of the minutes, but the ordinance does appear in its entirety in the official minutes and ordinance books.]

**BILL NO. 2005-53**

**ORDINANCE NO. 11731**

**AN ORDINANCE REZONING REAL ESTATE DESCRIBED HEREIN FROM DISTRICT R-1 SINGLE FAMILY RESIDENTIAL, TO DISTRICT C-1P, LOCAL BUSINESS PLANNED, AND CHANGING THE ZONING DISTRICT MAP ACCORDINGLY.**

**WHEREAS,** Century Developers, hereinafter referred to as Petitioner, are the owners of the following described real estate, situated in Kirksville, Adair County, Missouri, to-wit:

A tract of land situated in the Northwest Fourth of the Northeast Quarter of Section 21, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the Northeast corner of the Northwest Fourth of the Northeast Quarter of said Section 21; thence along the Quarter Quarter Section line, South 1 degree 10 minutes 56 seconds East, a distance of 37.97 feet to a point on the Southerly right of way line of Shepherd Avenue, said point being the point of beginning of the description herein; TO WIT: thence continuing South along said line, a distance of 363.00 feet; thence leaving the last described line, North 89 degrees 58 minutes 13 seconds West, a distance of 600.00 feet; thence North 1 degree 10 minutes 56 seconds West, a distance of 363.00 feet to a point on the Southerly right of way line of Shepherd Avenue; thence along said line, South 89 degrees 58 minutes 13 seconds East, a distance of 600.00 feet to the point of beginning. 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 Single Family Residential Zoning, under Chapter 25, Article VI, Section 25-49 of the Code of the City of Kirksville, Missouri, to District C-1P under Article XVII, Section 25-90-94 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 and 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 September 14, 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**, the owner has submitted a preliminary development plan, and the development of the property shall be in complete accord with the development plan which was approved by the Planning and Zoning Commission, and furthermore, shall be subject to the following conditions:

- (1) Owner to be subject to all conditions of site development plan.
- (2) The City of Kirksville Planning and Zoning Commission agreed to waive the final building and site plan review process.
- (3) The City Staff shall review all building, and site plans, and grant approval of said plans prior to issuance of a building permit.

**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 Single Family to District C-1P 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 C-1P, as set forth under Article XVII Section 25-90-94 of said Code, and that the “zoning district map” as set forth under Article I of Section 25-6 of said Code be changed accordingly.

Councilmember Rowe moved to approve Bill No. 2005-50, 2005-51, 2005-52 and 2005-53 on second reading; seconded by Councilmember Stewart. The motion carried by the following vote:

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 Pro Tem Crist adjourned the meeting at 8:04 p.m.

Vickie Brumbaugh, CMC, MRCC