

# JOURNAL OF THE CITY COUNCIL

Regular Session – February 15, 2010

## COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Todd Kuhns	Councilmember
Aaron Rodgeron	Councilmember
Carolyn Chrisman	Councilmember
Richard L. Detweiler	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Cherie Bryant	Assistant to the City Manager
John Buckwalter	Public Works Director
Laura Guy	Finance Director
David Hall	Airport Director
Jim Hughes	Police Chief
Brad Selby	Code Administrator
Melanie Smith	Community Services Director

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, February 15, 2010, at 6:00 p.m. in the City Hall Council Chambers.

## **INVOCATION/PLEDGE**

Reverend Curtis Ferguson, of the Rehoboth Baptist Church, gave the Invocation. Boy Scout Pack 404 led the Pledge of Allegiance.

## **MINUTES**

Councilmember Chrisman moved to approve the minutes of the regular session of February 1, 2010; seconded by Councilmember Rodgeron. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgeron – aye. 5 Ayes; 0 Nays.

## **ORDER OF AGENDA**

Councilmember Chrisman moved to approve the Order of the Agenda, seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgeron – aye. 5 Ayes; 0 Nays.

## **INFORMATION PRESENTATION & PUBLIC HEARING**

Mayor Rowe opened the Public Hearing at 6:03 p.m. to hear citizen comments on a proposed South 63 Community Improvement District (CID).

Mari Macomber reported in 2007 the City was approached by owners of the shopping center at the south end of Kirksville that currently houses J C Penney, Sears, Stage and other businesses, about establishing a redevelopment area to include a tax increment finance district (TIF), and a community improvement district (CID). The TIF was approved by the City Council in June 2009. Additional funding to make Highway 63 corridor improvements is needed. An election would take place later on that would implement a one percent sales tax on those stores. Michael McKinley and Jim Grice were present to answer any questions. The property owners are the voters.

Jim Grice reported that all business tenants have been notified and are aware of what is going on with the process to make improvements.

A question was addressed about whether the turn lane going into the shopping area would be eliminated, and the response was that there will still be a turn lane.

No further comments were made, and the Mayor closed the Public Hearing at 6:10 p.m.

**CITIZEN PARTICIPATION**

None.

**UNFINISHED BUSINESS**

None.

**ACTION PRESENTATIONS**

**BILL NO. R2010-07**

**RESOLUTION NO. R2-15-595**

**A RESOLUTION APPROVING A FIVE-YEAR CONTRACT WITH VEOLIA ES SOLID WASTE MIDWEST, LLC, FOR RESIDENTIAL SOLID WASTE AND RECYCLABLE COLLECTION SERVICES IN THE CITY OF KIRKSVILLE FROM APRIL 1, 2010 THROUGH MARCH 31, 2015.**

**WHEREAS**, the current solid waste and recyclables collection contract will expire on March 31, 2010, and

**WHEREAS**, a proposal has been accepted for a new five-year contract agreement for trash and recyclables collection services, and

**WHEREAS**, Veolia ES Solid Waste Midwest, LLC of Macon, Missouri, is the preferred bidder at a rate of \$10.47 per month with senior citizens 65 and older having an available fee of \$8.67 per month, and

**WHEREAS**, the City of Kirksville desires to provide the best range of services for a competitive cost to the community

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Kirksville, hereby approves a five-year contract with Veolia ES Solid Waste Midwest, LLC, for residential solid waste and recyclables collection services in the City of Kirksville.

Councilmember Chrisman moved to approve Bill No. 2010-07; seconded by Councilmember Detweiler.

Brad Selby explained that a Public Hearing was held in April 2008. Bids were sent to four vendors in November 2009, and a pre-bid meeting was held with two of the prospective bidders. Veolia was the only bidder. The new contract allows for all residents to use the 65 gallon container, plus a recycling container if they recycle. The container stays with the property. Residents will pay \$10.47 per month, with a senior citizen discount, age 65 or older, of \$8.67. Recycling pickup is available on a bi-weekly basis. One household item will be picked up once a week per residence. The contractor will provide yard waste pickup at an

additional charge. Residents can dump yard waste at the Public Works Department at no extra cost.

Bich Kuhns, 5 Catalina, asked how the decision was made to have household items set out versus once a year pickup? Mr. Selby responded that large bunches of items set in front of a residence for two to three weeks during the Spring Cleanup. Other cities who have the once-a-week pickup report that after the first six weeks, most everyone has gotten rid of items and there will be only one item here and there throughout the city.

The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**BILL NO. 2010-08**

**RESOLUTION NO. R2-15-596**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BANK OF KIRKSVILLE FOR LEASE-PURCHASE FINANCING OF COMPUTER EQUIPMENT ACQUIRED UNDER THE COMPUTER SEAT MANAGEMENT PROGRAM.**

**RESOLVED**, the City of Kirksville plans to upgrade its computer network and infrastructure as necessary under the computer seat management program in place; and

**RESOLVED**, twelve banks were solicited for lease-purchasing financing proposals by direct mail plus the request for proposals was included on the City's website; and

**RESOLVED**, five proposals were received in response; and

**RESOLVED**, due to the lowest interest rate offered, City staff recommends the Bank of Kirksville; and

**RESOLVED**, due to funding allocated, the option for four annual payments in advance is recommended; and

**RESOLVED**, that the City of Kirksville enter into a Lease/Purchase Agreement with the Bank of Kirksville as Lessor for a Computer Seat Management Program upon the terms and conditions of the Lease/Purchase Agreement.

**FURTHER RESOLVED**, the City is to issue an Assignment and Bill of Sale for the property acquired under the Computer Seat Management Program and that the City Manager is hereby authorized and directed to execute the Lease/Purchase Agreement on behalf of the City and to execute an Assignment and Bill of Sale from the City to Bank of Kirksville and to execute any and all other documents on behalf of the City which may be necessary to enter into the Lease/Purchase Agreement.

Councilmember Chrisman moved to approve Bill No. 2010-08; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**BILL NO. 2010-09**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE HEREIN FROM R-1 SINGLE FAMILY RESIDENTIAL, TO HIGH DENSITY CORRIDOR ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

Councilmember Kuhns moved to adopt Bill No. 2010-09 on first reading; seconded by Councilmember Chrisman.

Brad Selby reported that Jamie and Sydney Henson are interested in purchasing land across the street from Home Depot at 3006 North Baltimore, and behind 3008 North Baltimore. If rezoning is approved, a lot split would be required to complete the land purchase that is under contract. At the recent Planning and Zoning Commission meeting, motions were made in favor and against the rezoning request, but no seconds were made on either motion. Due to no action, the request goes to the City Council. Mr. Henson wishes to place a business on the property, but does not have any development plans yet. He wants to purchase the property, and then look for a business to fit. The Council is being asked to approve the rezoning for six months to give Mr. Henson time to determine the best business use for the property location and present their plans that would address building construction, setbacks, parking, site drainage, sign, lighting and site buffering of the residential area that will meet the zoning requirements.

Councilmember Rodgerson moved to amend Bill No. 2010-09, to change the time period of six months to twelve months, addressed in the procedures and conditions on Corridor Zoning, Section 2-117 and 25-121; seconded by Councilmember Chrisman. The twelve months begin with the passage date of Bill No. 2010-09. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

The motion to adopt Bill No. 2010-09, as amended, carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**BILL NO. 2010-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI ESTABLISHING THE SOUTH 63 CORRIDOR COMMUNITY IMPROVEMENT DISTRICT APPROVING THE APPOINTMENT OF THE BOARD OF DIRECTORS AND CONTAINING A SEVERABILITY CLAUSE.**

Councilmember Chrisman moved to adopt Bill No. 2010-10 on first reading; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Committee/Board Appointments & Re-appointments**

Councilmember Chrisman moved to appoint Sandy Slocum as the Planning and Zoning Commission representative to the Historic Preservation Commission, and re-appoint Derek Miller to the Historic Preservation Commission; appoint Steve Taylor to the Tourism Advisory Board; and re-appoint Rodger Bland and Clayton Dillavou to the Watershed Management Commission. Councilmember Kuhns seconded the motion on appointments and re-appointments. The motion carried by the following vote: Mayor Rowe – aye;

Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Bid – Ground Power Unit**

Councilmember Chrisman moved to authorize the Airport Director and the Fleet Manager to purchase a Ground Power Unit for the Kirksville Regional Airport; seconded by Councilmember Detweiler.

Mari Macomber reported the 2010 budget included \$16,000 to purchase a ground power unit. Bids received were over budget. It was recommended that the Airport Director and Fleet Manager be authorized to negotiate with potential vendors to purchase a unit within the budget amount.

The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Bid – Backhoes**

Councilmember Chrisman moved to approve the purchase of two backhoes from Crown Power and Equipment of Columbia for a price of \$84,446; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Bid – Sand Pro Groomer**

Councilmember Chrisman moved to approve the purchase of a Toro model 5040 Sand Pro Groomer from Professional Turf Products, Overland Park, Kansas for \$20,261.33 for use at the North Park Complex, contingent upon the sale of the 1998 John Deere Model 870 utility tractor; seconded by Councilmember Kuhns.

Melanie Smith reported that the groomer is used for maintenance at the ballfields. Three bids were received.

The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Bass Club Use of Forest Lake**

Councilmember Chrisman moved to approve a request from the Bass Club for use of Forest Lake in 2010 for the allowance of outboard motors exceeding 90 hp idle speed during the Club's six scheduled tournaments; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**2<sup>nd</sup> Reading**

**BILL NO. 2010-09** **ORDINANCE NO. 11910**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE**  
**HEREIN FROM R-1 SINGLE FAMILY RESIDENTIAL, TO HIGH DENSITY CORRIDOR**  
**ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

WHEREAS, a verified petition signed by Agent Rick Bachman, on behalf of the Petitioner, Jamie Henson, for the real estate hereinafter described as on or about 3006 N. Baltimore Street and legally described as:

A tract of land situated in the Northeast Quarter of Section 33, township 63 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southwest corner of Lot 1 in Town and Country Meadows Subdivision; thence along the South line of said Subdivision, North 88 Degrees 22 Minutes East a distance of 170.00 feet to the Point of Beginning of the Description herein; TO WIT: thence continuing along said South line, North 88 Degrees 22 Minutes East a distance of 225.10 feet; thence leaving the last described line, South 00 Degrees 05 Minutes West a distance of 420.06 feet; thence North 89 Degrees 55 Minutes West a distance of 225.00 feet; thence North 00 Degrees 05 Minutes East a distance of 413.34 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 R-1 Single Family Residential, under Chapter 25, Article VI of the Code of the City of Kirksville, to High Density Corridor Zoning, under Chapter 25, Article XXIII of said Code and the changing of the "Zoning District Map" as set forth under Article I of Chapter 25 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 a public hearing and recommendation; and

WHEREAS, the public hearing was held by the said Planning and Zoning Commission on February 10, 2010, and after hearing thereon, the Planning and Zoning Commission failed to vote on the zoning application and had no recommendation to City Council; and

WHEREAS, notice of said public hearing was given by publication of notice thereof in the Kirksville Daily Express, a daily newspaper of general circulation in Adair County, Missouri; and

WHEREAS, at said public hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed rezone; and

WHEREAS, no person spoke in opposition to the rezoning at the said public hearing on February 10, 2010, and no written comments have been received by the City of Kirksville on said rezoning; and

WHEREAS, approval of the zoning change would not allow for the development of the property in any way until a development plan is presented at a public hearing to the Planning and Zoning Commission, and the plan is approved by the Commission, City Council and City staff and must meet all points required by the corridor zoning ordinance, and all setbacks, site drainage, signage, landscaping, building and parking requirements.

WHEREAS, after due hearing, 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 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 the requirements of the Code of the City of Kirksville for the rezoning of the above real estate from R-1 Single Family Residential to High Density Corridor Zoning have been met by Petitioner; and

WHEREAS, the procedures and conditions required in Article XXIII Corridor Zoning, Sections 25-117 and 25-121 must be met within ~~six~~ **12** months of approval of this Ordinance, otherwise, the zoning classification of the subject property shall revert back to R-1 Single Family Residential.

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

That the above described real estate be, and the same is hereby rezoned from, District R-1 Single Family Residential to High Density Corridor Zone, and the Zoning District Map as set forth under Article I of Section 25-6 of the Zoning Ordinances of said Code shall be changed accordingly; provided, however, that in the event the procedures and conditions required under Article XXIII Corridor Zoning Sections 25-117 and 25-121 have not been complied with and satisfied within ~~six~~ **(6)** **12** months from the effective date hereof, then the zoning classification of the subject property shall revert back to R-1 Single Family Residential.

This ordinance shall be of full force and effect from and after the date of its passage.

**BILL NO. 2010-10** **ORDINANCE NO. 11911**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI ESTABLISHING THE SOUTH 63 CORRIDOR COMMUNITY IMPROVEMENT DISTRICT APPROVING THE APPOINTMENT OF THE BOARD OF DIRECTORS AND CONTAINING A SEVERABILITY CLAUSE.**

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

WHEREAS, Sections 67,1401 to 67.1571 RSMo, 2000, as amended (the "CID Act"), authorize the governing body of any city, upon presentation of a proper petition requesting the formation and after a public hearing, to adopt an ordinance establishing a community improvement district; and

WHEREAS, the City of Kirksville, Missouri (the "City") is a city of the third class and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on January 28, 2010 , property owners within the legal description attached hereto as **Exhibit B** filed with the Clerk of the City, (the "City Clerk") a petition for the establishment of a community improvement district pursuant to the CID Act (the "Petition"), entitled the South 63 Corridor Community Improvement District (the "District"); and

WHEREAS, the City Clerk verified that the Petition substantially complies with the CID Act, submitted the verified Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Petition were withdrawn within seven days after the filing the Petition with the City Clerk; and

WHEREAS, all the real property included in the District is entirely located within the City; and

WHEREAS, on February 15, 2010 the City Council held a public hearing at which all persons interested in the formation of the District were allowed an opportunity to speak and at which time the City Council heard all protests and received all endorsements; and

WHEREAS, the Petition to establish the District being fully heard before the City Council and the City now desires to establish the District and make such other findings as necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirksville, Missouri:

SECTION ONE: All terms used in this Ordinance shall be construed as defined in the CID Act, and the Petition.

SECTION TWO: The City Clerk has verified that the Petition substantially complies with all submission requirements of the CID Act.

SECTION THREE: The District is hereby approved and shall be established within the City as a political subdivision of the State of Missouri, as provided in the Petition filed with the City Clerk on January 28, 2010 a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference, The District includes the contiguous tracts of real estate as described in **Exhibit B** and shown on a map as depicted in **Exhibit C** both of which are incorporated herein by reference.

SECTION FOUR: The District shall be governed by a board of directors consisting of five (5) members. The names and terms of office of the initial Board of Directors were provided in the Petition and the following individuals are hereby appointed by the Mayor with the consent of the City Council to serve as the Board of Directors for the District for the initial terms set forth below:

<u>Dan Ruether</u>	Director 3 year term
<u>David Walker</u>	Director 3 year term
<u>Mari E. Macomber</u>	Director 2 year term
<u>Laura Guy-Rice</u>	Director 2 year term
<u>John Buckwalter</u>	Director 2 year term

SECTION FIVE: The District's Board of Directors shall have authority to establish a sales tax in an amount not to exceed one percent (1%), as set forth in the Petition and in conformance with the CID Act.

SECTION SIX: The District shall have and possess without limitation, such powers authorized under the CID Act and as set forth or otherwise limited in the Petition.

SECTION SEVEN: The term of the existence of the District shall be 35 years. The petition process must be repeated for the District to continue beyond 35 years.

SECTION EIGHT: The City Clerk is hereby directed to report in writing the creation of the District to with the Missouri Department of Economic Development (the 'Department') as specified in subsection 6 of Section 67 1421 of the CID Act.

SECTION NINE: It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection, in the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

SECTION TEN: This Ordinance shall be in full force and effect from and after its passage and approval.

[Exhibits A, B, C and D appear in the Council Minutes Book in their entirety.]

Councilmember Chrisman moved to adopt Bill No. 2010-09, as amended, on second reading; and Bill No. 2010-10 on second reading; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

**Comments**

Mari Macomber stated it is important to fill out the census form for 2010.

**Adjournment**

There being no further business to come before the Council, Councilmember Chrisman moved to adjourn; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe – aye; Councilmembers: Kuhns – aye; Chrisman – aye; Detweiler – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Mayor Rowe declared the meeting adjourned at 7:00 p.m.

Vickie Brumbaugh, CMC, MRCC  
City Clerk