

COUNCIL & STAFF PRESENT:

Richard Detweiler	Mayor
Roger A. Edge	Councilmember
Tony Fajkus	Councilmember
Jerry Mills	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Laura Guy	Finance Director
Sarah Halstead	Community Services Director
Jim Hughes	Police Chief
Brad Selby	Codes Administrator
Melanie Smith	Assistant City Manager

Absent: Carolyn Chrisman Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, June 6, 2011, at 5:57 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

Reverend Robert Fredericks, of the First Assembly of God Church, gave the Invocation. The Mayor and City Council led the Pledge of Allegiance.

MINUTES

Councilmember Edge moved to approve the minutes of the regular session of May 16, 2011; seconded by Councilmember Fajkus. The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

ORDER OF AGENDA

Councilmember Fajkus moved to approve the Order of the Agenda; seconded by Councilmember Edge. The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

None.

UNFINISHED BUSINESS

None

ACTION PRESENTATIONS

BILL NO. 2011-25

AN ORDINANCE OF THE CITY OF KRISVILLE, MISSOURI REZONING REAL ESTATE HEREIN FROM R-1 SINGLE FAMILY ZIONING TO CP-3 PLANNED EXTENSIVE BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.

Owners Dave Petre and Dick Roberts are requesting a change of zoning for three tracts of land currently undeveloped to be used for future commercial development. The tracts lay on either side of the new alternate Highway 63 at its intersection with North Lincoln and Baltimore Street. A public hearing was held on May 11 with the Planning and Zoning Commission, and six people spoke in opposition. A petition of opposition was also presented. A minimum of two-thirds of the Council will be required to approve the request. There is no specific plan for the land. The owners requested rezoning of the three tracts to C-3 Extensive Business. The Planning and Zoning Commission recommends that only Tract #2 be rezoned to CP-3 Planned Extensive Business. The owner or developer would have to have any development plans approved by the P & Z, after a required public hearing, with final approval by the City Council.

Councilmember Mills moved to adopt Bill No. 2011-25 on first reading; no second. The motion died for lack of a second.

BILL NO. 2011-26

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI GRANTING A SPECIAL USE PERMIT TO SKYLINK PROPERTIES ON REAL ESTATE TO BE KNOWN AS 2807 SPENCER LANE AND DESCRIBED HEREIN.

Councilmember Fajkus moved to adopt Bill No. 2011-26 on first reading; seconded by Councilmember Mills.

Skylink Properties, acting as an agent for AT&T, proposes to construct a telecommunications tower on the east side of the new Highway 63 and the northern dead end of Spencer Lane. FAA requirements will be met. The permit is open-ended – it will be in effect as long as the tower and site is used for the purpose of a cell phone tower. No opposition has been expressed.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

BILL NO. 2011-27

AN ORDINANCE APPOINTING THE MAYOR AND CITY MANAGER AS DESIGNATED OFFICIAL REPRESENTATIVES FOR THE CITY OF KIRKSVILLE FOR PURPOSES OF EXECUTING FEDERAL AVIATION CERTIFICATIONS FOR THE KIRKSVILLE REGIONAL AIRPORT.

Councilmember Edge moved to adopt Bill No. 2011-27 on first reading; seconded by Councilmember Fajkus.

This ordinance provides for approved signatures on FAA certifications as needed.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

BILL NO. 2011-28

AN ORDINANCE DETERMINING CAPTURE OF ECONOMIC ACTIVITY TAXES OF THOSE BUSINESSES OF KIRKSVILLE THAT RELOCATED TO THE SOUTH 63 CORRIDOR TAX INCREMENT FINANCING REDEVELOPMENT AREA AFTER JULY 20, 2009.

Councilmember Fajkus moved to adopt Bill No. 2011-28 on first reading; seconded by Councilmember Edge.

South 63 Corridor Tax Increment Finance District was formed in 2009 when there were several vacancies in the Center. Five-star Wireless has relocated to the Center in the district due to proximity to another wireless provider, based on company policy. In Style It relocated hoping to get more exposure, traffic and advantage of proposed improvements. When an existing business chooses to locate to a TIF district, the Council must decide whether to capture any revenues generated from that business. In Style It has very little retail sales, and it was less than \$100 for the base year of the TIF in 2008.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

Agreement with Reliant Hardwoods

Councilmember Edge moved to approve an agreement with Reliant Hardwoods; seconded by Councilmember Fajkus.

A 2005 agreement with Reliant Hardwoods required them to create 25 new jobs, and work toward an additional 15 new jobs. They have only created 10 new jobs. The City is interested in receiving back lot 6, consisting of 4.28 acres, of the Industrial Park for a future prospect. Reliant will be required to retain their current ten employees through December 31, 2014. Reliant has agreed to construct additional facilities to accommodate their operations and will ensure drainage issues are addressed.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

Council Policy #1 Revisions

Councilmember Fajkus moved to approve revisions to Council Policy #1 Policies and Procedures; seconded by Councilmember Edge.

Recommended changes are: Addition of language stating that amendments to the annual budget be approved by ordinance, which is already being done. Delete monthly approval of expenditures. Add wording to reflect that an Ordinance will be considered where required by the state or federal governments.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

Agreement for Two Wayfinding Signs on Hwy 63 Alternate Route

Councilmember Fajkus moved to authorize the City Manager to enter into an agreement with James Drew Corporation for fabrication and installation of two wayfinding signs on the Highway 63 Alternate Route; seconded by Councilmember Edge.

Two wayfinding signs to be located on Highway 63 Alternate Route are beyond the capability of the City staff to fabricate and install. With MoDot's approval, the City obtained a proposal from James Drew Corporation, a subcontractor for the Highway 63 project, to install the wayfinding signs while completing other signage for the highway project.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

Liquor License Annual Renewals

Councilmember Fajkus moved to approve the renewal of liquor licenses for the merchants holding said licenses for the annual period commencing July 1, 2011; seconded by Councilmember Edge.

The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

Re-appointment of Preston Sparks to Board of Adjustment

Councilmember Fajkus moved to re-appoint Preston Sparks to the Board of Adjustment; seconded by Councilmember Edge. The motion carried by the following vote:

Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills

Noes – 0

Absent – Councilmember Chrisman

2nd Reading of Ordinances

BILL NO. 2011-26

ORDINANCE NO. 11961

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI GRANTING A SPECIAL USE PERMIT TO SKYLINK PROPERTIES ON REAL ESTATE TO BE KNOWN AS 2807 SPENCER LANE AND DESCRIBED HEREIN.

WHEREAS, Skylink Properties, agent for the property owner(s), Jerry McMMain and others, with Skylink Properties lessee of the real estate, has filed a petition requesting a Special Use Permit as provided for by Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri; and

WHEREAS, the land covered by this request is as follows, located at the site to be addressed as 2807 Spencer Lane, to wit:

A tract of land situated in the North Half of the Northwest Quarter of the Southwest Quarter of Section 14, Township 62, Range 15 West, Adair County, Missouri, being more particularly described as follows: Commencing at the Northwest corner of said Section 14, thence Southerly along the West line of said Section 14, South 00 degrees, 19 minutes, 22 seconds East, a distance of 2641.83 feet to the Northwest corner of the Southwest Quarter of said Section 14; thence along the North line of the Southwest Quarter of said Section 14, South 89 degrees, 34 minutes, 49 seconds East, a distance of 672.04 feet to a point intersecting the East right of way for Missouri State Highway route 63; thence Southerly along said right of way, South 37 degrees, 26 minutes, 01 seconds East, a distance of 41.09 feet to a deflection in said right of way with a station (by highway plans) being called 664+63.12; thence continuing along said right of way, South 01 degrees, 30 minutes, 23 seconds West, a distance of 56.07 feet; thence leaving said right of way, South 88 degrees, 29 minutes, 37 seconds East, a distance of 35 feet to the POINT OF BEGINNING of the description herein TO WIT: thence South 88 degrees, 29 minutes, 37 seconds East, a distance of 75.00 feet; thence South 01 degrees, 30 minutes, 23 seconds West, a distance of 75.00 feet; thence North 88 degrees, 29 minutes, 37 seconds West, a distance of 75.00 feet; thence North 01 degrees, 30 minutes, 23 seconds East, a distance of 75.00 feet to the Point of beginning, containing .13 acres more or less, subject to any and all easements or restrictions of record and any part in roads; and

WHEREAS, said petition requests the right to use this property for use and occupancy of a communications facility cell phone tower, with uses that would permit multiple wireless carriers; and

WHEREAS, that this request is for a permanent period of time with no expiration unless revoked by resolution of the City Council, as provided by Section (e), of Article 25-99 of the Zoning Ordinance of the City of Kirksville, Missouri; and

WHEREAS, that if the site is not used as a cell phone site in the future, that lessee will be required to remove all equipment and structures from the site; and

WHEREAS, that the Planning and Zoning Commission of the City of Kirksville, Missouri, held a public hearing on May 11, 2011. After the public hearing, the Commission voted to approve said request and agreed to recommend that the City Council approve said request; and

WHEREAS, no persons spoke in opposition to the Special Use Permit at the public hearing on May 11, 2011.

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

That a Special Use Permit is hereby issued to Skylink Properties to use the above described property for the use and occupancy of a wireless communication tower to be constructed on the property.

BILL NO. 2011-27 **ORDINANCE NO. 11962**
AN ORDINANCE APPOINTING THE MAYOR AND CITY MANAGER AS DESIGNATED OFFICIAL REPRESENTATIVES FOR THE CITY OF KIRKSVILLE FOR PURPOSES OF EXECUTING FEDERAL AVIATION CERTIFICATIONS FOR THE KIRKSVILLE REGIONAL AIRPORT.

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

Section 1. That the Mayor and City Manager are hereby authorized to execute certification documents on behalf of the City of Kirksville assuring compliance with statutory and administrative requirements in carrying out procedures and projects in conformance with the City's Airport Improvement Plan (AIP).

Section 2. That all ordinances, or parts of ordinances therefore enacted which are in conflict herewith, are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BILL NO. 2011-28 **ORDINANCE NO. 11963**
AN ORDINANCE DETERMINING CAPTURE OF ECONOMIC ACTIVITY TAXES OF THOSE BUSINESSES OF KIRKSVILLE THAT RELOCATED TO THE SOUTH 63 CORRIDOR TAX INCREMENT FINANCING REDEVELOPMENT AREA AFTER JULY 20, 2009.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the Act; and

WHEREAS, after due deliberation, the City Council approved the Redevelopment Plan and designated the Redevelopment Area as a "redevelopment area" pursuant to the Act; and

WHEREAS, it is necessary and desirable and in the best interest of the City to determine whether existing Kirksville businesses who relocate to the Redevelopment Area after the approval date of July 20,2009 did so as a result of the Redevelopment Plan; and

WHEREAS, in so determining approves the capture of the economic activity taxes (EATS) of those businesses.

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

Section 1. That two existing businesses, Five Star Wireless and In-Style it, located

outside the Redevelopment Area relocated to the Redevelopment Area after July 20, 2009.

Section 2. After discussing the reasons for the relocation with business representatives, it was determined that Five Start Wireless did not relocate as a result of the Redevelopment Plan and therefore no economic activity taxes of this business will not be captured.

Section 3. After discussing the reasons for the relocation with business representatives, it was determined that In-Style It did relocate as a result of the Redevelopment Plan and therefore the economic activity taxes of this business will be captured.

Section 4. The Economic Activity Base year will be amended to include the total economic activity taxes generated by In-Style It for the calendar year prior to the adoption of the Redevelopment Project and Redevelopment Plan.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council and approval by the Mayor.

Councilmember Fajkus moved to adopt Bill No. 2011-26, 2011-27, 2011-28 on second reading; seconded by Councilmember Edge. The motion carried by the following vote:
Ayes – 4: Mayor Detweiler; Councilmembers Edge, Fajkus, Mills
Noes – 0
Absent – Councilmember Chrisman

Council Comments

None.

Adjournment

There being no further business to come before the Council, Mayor Detweiler declared the meeting adjourned at 6:27 p.m.

Vickie Brumbaugh, CMC MRCC
City Clerk