

COUNCIL & STAFF PRESENT:

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

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, June 20, 2011, at 6:05 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

Vickie Brumbaugh, City Clerk, gave the Invocation. The Mayor and City Council led the Pledge of Allegiance.

MINUTES

Councilmember Chrisman moved to approve the minutes of the regular session of June 6, 2011; seconded by Councilmember Fajkus. The motion carried by the following vote:
Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills
Noes – 0

ORDER OF AGENDA

City Manager Macomber announced the addition of an appointment to the Executive Board of the Northeast Missouri Solid Waste Management Council as Item #12. Councilmember Chrisman moved to approve the Order of the Agenda, as amended; seconded by Councilmember Fajkus. The motion carried by the following vote:
Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills
Noes – 0

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

None.

UNFINISHED BUSINESS

None

ACTION PRESENTATIONS

BILL NO. 2011-29

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION FOR PARTICIPATION IN THE COMMISSION'S COST SHARE PROGRAM, PROJECT NUMBER J2P2204 LOCATED AT US63 BEGINNING AT LAHARPE STREET AND CONTINUING SOUTH APPROXIMATELY 1700 FEET IN KIRKSVILLE, MISSOURI.

Councilmember Chrisman moved to adopt Bill No. 2011-29 on first reading; seconded by Councilmember Fajkus.

This program provides a grant and loan component which includes sidewalk improvements on both sides of Baltimore from LaHarpe south past the Penneys/Orscheln/Stage/Goody's Center. The project cost is estimated at \$739,550. The Commission will fund 38 percent up to a maximum of \$278,684 of the total project cost estimate from the Cost Share Program. The City will fund up to \$384,566; with \$206,000 as donated value of the right-of-way acquisition that will be completed by the City, and \$278,566 as cash contributed.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

BILL NO. 2011-30

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE HEREIN FROM R-1 SINGLE FAMILY ZONING TO R-3 MULTI-FAMILY ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY FOR PROPERTY ADDRESSED AS 2113 AND 2115 EAST NORMAL STREET.

Councilmember Edge moved to adopt Bill No. 2011-30 on first reading; seconded by Councilmember Chrisman.

Owners, Elizabeth Hickman Revocable Trust and Kenneth and Debra Read, are requesting a change of zoning on unimproved land which would allow for multiple structures and apartment buildings. The Planning and Zoning Commission recommends the rezoning request.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

BILL NO. 2011-31

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1 GRIM COURT NORTH STREET IN KIRKSVILLE, MISSOURI.

Councilmember Chrisman moved to adopt Bill No. 2011-31 on first reading; seconded by Councilmember Fajkus.

Property owner, Mike Diethelm, requests a lot split of two sections of land from 1 Grim Court North. The house sets on two of the original lots of Southern Heights Addition. A neighbor wishes to purchase approximately 126 square feet of a corner of the back yard, incorporating that section into their property. The lot split meets requirements, and will allow for construction of a new single family home.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

BILL NO. 2011-32

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF AN ANTIQUE BUSINESS LOCATED AT 2708 E. PATTERSON STREET AS DESCRIBED HEREIN.

Councilmember Chrisman moved to adopt Bill No. 2011-32 on first reading; seconded by Councilmember Fajkus.

Owners, Robert and Jody Benge, are requesting a special use permit to locate an antique business in an existing building that sets behind their home, on their ten acres of residential property. The parking pad with four parking spots is to be hard surfaced by the end of 2011. The driveway is to be hard surfaced by August 1, 2012. The Planning and Zoning Commission recommends approval.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Council Policy #7 – Special Events and Shelter Reservation

Councilmember Chrisman moved to approve an amendment to Council Policy #7; seconded by Councilmember Edge.

The Lakes, Parks and Recreation Commission was asked to review the current policy for changes related to special event sponsorship. They recommend one change – An event organizer, who has an event denied, would have the opportunity to appeal to the City Manager for further consideration regardless of the reason for the denial.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Bid – Ferrara Fire Rescue Pumper

Councilmember Chrisman moved to approve a bid from Fire Master Fire Equipment, Inc. for the purchase of a Ferrara fire rescue pumper; seconded by Councilmember Edge.

Bid specs were sent to nine vendors with three responding. Current funding is \$100,000 per year through the Capital Improvement sales tax. A financing package will be presented to the Council at a later date for the purchase at a cost of \$549,543. An offer has been made on the current truck at a price higher than the trade-in value.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Street Use for All American Red, White & Blue Festival

Councilmember Edge moved to approve a request from the Chamber of Commerce for the use of city streets for the All American Red, White and Blue Festival; seconded by Councilmember Chrisman.

The street use request includes closure of Washington Street, between Elson and Franklin from 4:00 pm to 8:00 pm on July 1 for the car show. In case of rain, they request that parking be restricted on the east side of Franklin between McPherson and Washington Streets. The Art Center can be used to serve pie and ice cream under the awnings. Street use is also requested for the parade on July 4 at 4 pm, beginning at Franklin to Jefferson, west on Jefferson to Elson and north on Elson to Missouri.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Downtown Sidewalks Use for Sidewalk Sales on July 1 and 2

Councilmember Edge moved to approve a request for the use of the downtown sidewalks on July 1 and 2 for the purpose of holding sidewalk sales; seconded by Councilmember Chrisman.

Downtown merchants requested a summer sidewalk sale event in conjunction with the annual All American Red, White and Blue Festival activities scheduled in the downtown area. Sidewalk sales are proposed from 7:30 a.m. to 7:30 p.m. on July 1 and 2. This is the first time for this request.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Liquor License Renewals – 2nd group

Councilmember Edge 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 Chrisman.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Tourism Advisory Board Appointment

Councilmember Chrisman moved to appoint Sheila Pruett to the Tourism Advisory Board to fill an unexpired term; seconded by Councilmember Edge.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Planning and Zoning Commission Appointment

Councilmember Edge moved to appoint David Jacobs to a four-year term on the Planning and Zoning Commission; seconded by Councilmember Chrisman.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

NEMO Solid Waste Management Council Executive Board Appointment

Councilmember Chrisman moved to appoint Carolyn Chrisman to the Executive Board of the Northeast Missouri Solid Waste Management Council; seconded by Councilmember Edge.

Councilmember Chrisman currently serves on the NEMO Solid Waste Management Council. The Executive Board usually meets the same day as the Management Council meets, and she could attend and vote at both meetings as a member.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

2nd Reading of Ordinances

BILL NO. 2011-29

ORDINANCE NO. 11964

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION FOR PARTICIPATION IN THE COMMISSION’S COST SHARE PROGRAM, PROJECT NUMBER J2P2204 LOCATED AT US63 BEGINNING AT LAHARPE STREET AND CONTINUING SOUTH APPROXIMATELY 1700 FEET IN KIRKSVILLE, MISSOURI.

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

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Kirksville a Cost Share Agreement for a public improvement project which is estimated to cost seven hundred thirty-nine thousand five hundred fifty dollars (\$739,550).

Section 2. The total project cost estimate includes preliminary engineering, right of way acquisition and incidentals, construction, construction contingencies and construction engineering. The City will fund up to a maximum of three hundred eighty-four thousand five hundred sixty-six dollars (\$384,566), of which one hundred six thousand dollars (\$106,000) is the donated value of the Right of Way acquisition and incidentals that will be completed by the City.

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

BILL NO. 2011-30

ORDINANCE NO. 11965

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE HEREIN FROM R-1 SINGLE FAMILY ZONING TO R-3 MULTI-FAMILY ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY FOR PROPERTY ADDRESSED AS 2113 AND 2115 EAST NORMAL STREET.

WHEREAS, the Elizabeth Hickman Revocable Trust and Kenneth and Debra Read, owners, have submitted an application for rezoning of a tract of land to be addressed as 2113 and 2115 E. Normal Street; and

WHEREAS, the real estate to be rezoned is hereinafter legally described as:

All of Lot 1 in Block 2 of the Fox Run Subdivision to the City of Kirksville, Adair County, Missouri; and

WHEREAS, the request for zoning of the aforesaid lot was placed in a daily newspaper of general circulation 15 days in advance of a Public Hearing, and property owners within 185 feet of the property to be rezoned were notified by certified mail; and

WHEREAS, the public hearing was held by the Planning and Zoning Commission on June 8, 2011, and after hearing thereon, the Planning and Zoning Commission voted to approve the rezoning request for designation to R-3 Multi-Family Zoning, and the Planning and Zoning Commission has forwarded their recommendation on to City Council; and

WHEREAS, no persons spoke in opposition to the zoning.

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, R-1 Single Family Residential Zone to R-3 Multi-Family Residential 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.

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

BILL NO. 2011-31

ORDINANCE NO. 11966

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1 GRIM COURT NORTH STREET IN KIRKSVILLE, MISSOURI.

WHEREAS, a tract of land located on 1 Grim Court North within the City of Kirksville, Missouri, which is part of a tract of land in the Southern Heights First Addition to the City of Kirksville, Adair County, Missouri, and is incorporated herein by reference, and has been regularly certified by Edward A. Cleaver, licensed surveyor number L.S. 1241; and

WHEREAS, the tract of land is more particularly described as follows:

Description of Lot 2: All of Lot 2, Block 2, Southern Heights first Addition to the City of Kirksville, Adair County, Missouri.

Description of Northwest Lot 1: Northwest part of Lot 1, Block 2, Southern Heights First Addition to the City of Kirksville, Adair County, Missouri and being more particularly described as follows: Beginning at the Northeast corner of Lot 1; thence along the East line of said Lot 1, South 18 Degrees 57 Minutes East a distance of 88.52 feet to a set iron rod; thence leaving the last described line, North 90 Degrees 00 Minutes West a distance of 58.68 feet to a set iron rod; thence South 04 Degrees 49 Minutes West a distance of 22.49 feet to a found iron rod on the South line of said Lot 1; thence along the South line of said Lot 1, North 89 Degrees 57 Minutes West a distance of 52.87 feet to a found iron rod being the Southwest corner of said Lot 1; thence along the West line of said Lot 1, North 00 Degrees 12 Minutes West a distance of 106.04 feet to a found iron rod being the Northwest corner of said Lot 1; thence along the North line of said Lot 1; North 89 Degrees 58 Minutes East a distance of 85.07 feet to the Point of Beginning, containing 0.2 acres more or less. Subject to any and all easements of record.

Description of Southeast Lot 1: Southeast part of Lot 1 Block 2, Southern Heights First Addition to the City of Kirksville, Adair County, Missouri and being more particularly described as follows: Commencing at the Northeast corner of Lot 1; thence along the East line of said Lot 1, South 18 Degrees 57 Minutes East a distance of 88.52 feet to a set iron rod being the Point of Beginning of the description herein, TO WIT: thence continuing South 18 Degrees 57 Minutes East a distance of 23.76 feet to a found iron rod being the Southeast corner of said Lot 1; thence along the south line of said Lot 1, North 89 Degrees 57 Minutes West a distance of 68.29 feet to a found iron rod; thence leaving the last described line, North 04 Degrees 49 Minutes East a distance of 22.49 feet to a set iron rod; thence North 90 Degrees 00 Minutes East a distance of 58.68 feet to the Point of Beginning. Subject to any and all easements of record; and

WHEREAS, the "Plat" shall be recorded in the Recorder's Office of Adair County, Missouri, showing the complete plat of land created by the Lot Split.

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

That the lot split for the tract of land located on 1 Grim Court North 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.

This ordinance shall be effective from and after the date of its passage.

BILL NO. 2011-32 **ORDINANCE NO. 11967**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF AN ANTIQUE BUSINESS LOCATED AT 2708 E. PATTERSON STREET AS DESCRIBED HEREIN.

WHEREAS, the property owners Robert and Jody Bengé have filed a petition requesting a Special Use Permit for the operation of an antique business 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 located at 2708 E. Patterson Street, to wit:

The East half of the East half of the Southwest Quarter of the Southwest Quarter of Section 11, Township 62 North, Range 15 West, all being situated inside the Corporate Limits of the City of Kirksville, Adair County, Missouri; and

WHEREAS, said petition requests the right to use this property for use of retail sales of antiques; and

WHEREAS, that this request is for a time period of five years, with an option of extension after that, 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, no persons spoke in opposition to the Special Use Permit at the public hearing on June 8, 2011; and

WHEREAS, that the Planning and Zoning Commission of the City of Kirksville, Missouri, held a public hearing on June 8, 2011. After the public hearing, the Commission voted to approve said request and agreed to recommend that the City Council approve said request with the following stipulations:

1. No sales will be held after 6:00 p.m. in the evening.
2. Sign dimensions in the yard and on the building may not exceed 20 sq. ft.
3. The parking pad with 4 parking spots to be hard surfaced by the end of 2011.
4. The driveway is to be hard surfaced by August 1, 2012.

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

That a Special Use Permit is hereby approved for the property at 2708 E. Patterson Street for the operation and use of an antiques business with the following stipulations:

1. No sales will be held after 6:00 p.m. in the evening.
2. Sign dimensions in the yard and on the building may not exceed 20 sq. ft.
3. The parking pad with 4 parking spots to be hard surfaced by the end of 2011.
4. The driveway is to be hard surfaced by August 1, 2012.

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

Councilmember Chrisman moved to adopt Bill No. 2011-29, 2011-30, 2011-31 and 2011-32 on second reading; seconded by Councilmember Fajkus.

The motion carried by the following vote:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Council Comments

None.

Adjournment

There being no further business to come before the Council, Councilmember Chrisman moved to adjourn to an Executive Session regarding a Real Estate matter, RsMO. 610.021(2); seconded by Councilmember Fajkus.

The motion carried by a roll call vote taken by the City Clerk:

Ayes – 5: Mayor Detweiler; Councilmembers Chrisman, Edge, Fajkus, Mills

Noes – 0

Mayor Detweiler declared the meeting adjourned at 6:42 p.m. to an Executive Session.

Vickie Brumbaugh, CMC MRCC
City Clerk