

**JOURNAL OF THE CITY COUNCIL**

*Special Session* – January 23, 2012

COUNCIL & STAFF PRESENT:

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

The City Council of the City of Kirksville, Missouri, met in a Special Session on Monday, January 23, 2012, at 6:00 p.m. in the City Hall Council Chambers.

**INVOCATION and PLEDGE**

Pastor Aaron Rodgerson, of the Southside Baptist Church, gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

**MINUTES**

Councilmember Mills moved to approve the minutes of the special session of December 29, 2011; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0

**ORDER OF AGENDA**

Item No. 1 - Resolution of appreciation to Claude Filkins was removed from the agenda until the February 6 meeting.

Councilmember Mills moved to approve the Order of the Agenda; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0

**INFORMATION PRESENTATION**

Mayor Detweiler opened the Public Hearing at 6:01 p.m. regarding CDBG Close-out on behalf of the Kirksville Downtown Improvement Committee, Inc. (KIDC) The City applied for and received a \$100,000 grant on behalf of the KDIC in 2009 for the employment of an Executive Director for two years. Due to two periods of time without a Director, an excess of funds in the amount of \$17,171.21 were not used and therefore will be de-obligated.

There being no further comments, Mayor Detweiler closed the public hearing at 6:03 p.m.

**CITIZEN PARTICIPATION**

None.

**UNFINISHED BUSINESS**

None.

**ACTION PRESENTATIONS**

**BILL NO. 2012-1**

**RESOLUTION NO. R1-23-643**

**A RESOLUTION HONORING CAROLYN CHRISMAN FOR SERVICE TO THE CITIZENS OF KIRKSVILLE, MISSOURI.**

WHEREAS, Carolyn Chrisman has served the City of Kirksville as Council member from April 2009 to December 2011; and

WHEREAS, Carolyn Chrisman has displayed through the performance of her duties on the City Council the highest standards of personal ethics and dedication; and

WHEREAS, Carolyn Chrisman has contributed time and energy towards the betterment of the Kirksville community through her service on the City Council and several of its boards and commissions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kirksville does hereby extend their sincere appreciation and thanks to Carolyn Chrisman for her service to the community.

BE IT FURTHER RESOLVED that the City Council extend their best wishes for her continued success.

Councilmember Mills moved to approve Bill No. 2012-1; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Mayor Detweiler read and presented the Resolution to Carolyn Chrisman.

**BILL NO. 2012-2**

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, SECTIONS 14-21 AND 14-33 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI, WITH ADDITIONS FOR BUSINESS LICENSE TESTING FOR CERTAIN OCCUPATIONS.**

New contractors, electricians and plumbers who apply for a license to do work in the City will be required to take competency testing. Individuals and companies who are

currently licensed will be grandfathered in and not required to test as long as they retain a current business license.

Councilmember Mills moved to approve Bill No. 2012-2 on first reading ; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**BILL NO. 2012-3**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED ON OR NEAR 401 E. SHEPHERD AVENUE IN KIRKSVILLE, MISSOURI.**

Councilmember Mills moved to approve Bill No. 2012-3 on first reading ; seconded by Councilmember Fajkus.

Michael Dijak, Co-owner of DVRA Property Management requested a lot split of land located at 401 East Shepherd, consisting of approximately 9.9 acres that would be landlocked. Adjacent property owner, Dr. Kelly Burchett, wishes to purchase the property to merge with his adjoining residential property making it one unit.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**BILL NO. 2012-4**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE LOCATED AT 1023 E. JEFFERSON STREET HEREIN FROM O-1P PLANNED OFFICE DISTRICT ZONING TO CP-3 PLANNED EXTENSIVE BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

Councilmember Mills moved to approve Bill No. 2012-4 on first reading ; seconded by Councilmember Fajkus.

Jay Patel have requested rezoning for the building of a new convenience store on the site. The business will not sell gasoline or fuels, but will have grocery type items and standard convenience items. The three property entrances will remain the same and all parking and driveways will be hard surfaced. Hours of operation will be approximately 8 am to 10 pm. Planning and Zoning recommends the rezoning request. Building plans, storm water drainage and signage will still need to be approved by the Codes Department before construction can begin.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Economic Development Partnership Agreement w/Mo. Rural Enterprise**

Councilmember Mills moved to approve an agreement with Missouri rural Enterprise and Innovation Center Incorporated, dba MREIC for an economic development partnership including office space and administrative assistance; seconded by Councilmember Fajkus.

KREDI, MREIC and KDIC will relocate to a central location at 315 South Franklin Street, the former TCRC facility. The City will commit \$7,500 toward the salary of the Administrative Assistant, plus an estimated \$22,000 for building maintenance, janitorial services, snow removal and utilities.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Economic Development Agreement with NEMO Incorporated, dba KREDI**

Councilmember Mills moved to approve a three-year agreement with Northeast Missouri Economic Development Incorporated, dba KREDI for economic development services; seconded by Councilmember Fajkus.

The City will continue to provide \$100,000 per year support, and will also continue to provide office space and clerical support for KREDI. The new agreement provides for four KREDI Board members instead of two.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Three Police Cars**

Councilmember Mills moved to approve a bid from Lovegreen Ford for three 2012 police cars and the trade-in of two retired cars; seconded by Councilmember Fajkus.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0

**Truck Replacement of Electric over Hydraulic Valves**

Councilmember Mills moved to authorize the City Manager to have improvements made to Truck 506 by Feld Fire of Carroll, Iowa, to replace the electric over hydraulic valves with manual valves; seconded by Councilmember Fajkus.

Replacements for electric hydraulic valves are \$4,000. Manual valves are less expensive. Replacement of electric hydraulic valves with manual valves will be \$21,141.43.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – One and one-half Ton Truck**

Councilmember Mills moved to approve the bid from Lovegreen Ford for a 2012 one and one-half single axle Ford F-550 truck with dump bed and snow plow; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Water Treatment Chemicals**

Councilmember Mills moved to approve the purchase of water treatment chemicals from various vendors (Mississippi Lime, Brenntag Chemical, General Chemical and Standard Purification); seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Fire Hydrants and Valves**

Councilmember Mills moved to approve a bid from Winwater of Blue Springs for fire hydrants, fire hydrant extensions, valves, valve boxes and traffic repair kits; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Pipeline Bores**

Councilmember Mills moved to approve a bid from Lawson Construction to perform pipeline bores in 2012; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Pipe, Valves and Fittings**

Councilmember Mills moved to approve a bid from Winwater of Blue Springs for pipe, valves and fittings for water main construction and repair; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Bid – Rock**

Councilmember Mills moved to approve a bid from Fountain Trucking Company for rock; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Historic Preservation Re-appointments**

Councilmember Mills moved to approve the re-appointment of Ken Shook, Cole Woodcox and Phillip Biston on the Historic Preservation Commission for three-year terms; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**KIDA Appointment**

Councilmember Mills moved to confirm the City Manager's appointment of Burt Beard to fill a vacancy on the Kirksville Industrial Development Authority (KIDA); seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Second Reading of Ordinances

**BILL NO. 2012-2** **ORDINANCE NO. 19989**  
**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, SECTIONS 14-21 AND 14-33 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI, WITH ADDITIONS FOR BUSINESS LICENSE TESTING FOR CERTAIN OCCUPATIONS.**

WHEREAS, testing for contractors, electricians and plumbers would help to determine if people or companies possessed minimum qualifications for these occupations, and the public would be better protected and ensured of having qualified persons in the area for these occupations; and

WHEREAS, tests for these occupations have been compiled that applicants for these occupations must pass in order to obtain a new business license, and testing will help to ensure that applicants have minimum knowledge in their respective areas when obtaining a business license.

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

[Amendments and additions are printed below in bold letters. Words to be removed are shown with strikeouts.]

Section 1. That Chapter 14, Article II, Section 14-21(c) be amended with the following additions to current wording:

(1) Plumbers, ~~whether a member of plumbing firm or not~~ **unless doing work for and employed by a licensed plumbing firm..... \$ 25.00**

**(3) Electricians, unless doing work for and employed by a licensed electrical firm..... \$ 25.00**

**(4) Contractors, Electricians, and Plumbers - Testing is required for those persons applying for a new license. The cost for taking the first test of each occupation is included in the cost of the license, whether it be for an individual or for a Company. If the applicant does not pass the initial test, any subsequent test will require a ten dollar (\$10) fee.**

Section 2. That Chapter 14, Article II, Section 14-33 be amended with the following additions to current wording:

**(e) Contractor Testing. Construction Contractors, Electricians, and Plumbers are required to pass a written test showing competency in the**

field in which a business license is being applied for. The passing of the written test is necessary for final approval of a business license for these occupations.

- (1) Tests will be scheduled and administered by the Codes Department.
- (2) Tests will be graded on a pass/fail basis. Seventy percent (70%) is the minimum passing grade for any test.
- (3) Persons who fail the first test will be allowed to take a second test at any time. Persons who fail a test the second time will be required to wait two weeks before taking a test again.
- (4) Testing for the above occupations may be waived under the following conditions:

a. The Plumber, Electrician, or Contractor is a card carrying member of an accredited State or National organization recognized for its members having the necessary skills for the license that has been requested. A journeyman's skill level would be accepted, while an Apprentice level would not be accepted for a waiver of the test. The Codes & Planning Director, or his designee, would decide any discrepancy in skill levels.

b. The person applying for the license can provide proof of a degree or diploma from an accredited college or other institution of higher learning that applies directly to the occupation that is being applied for. The Codes & Planning Director, or his designee, would make any decision on application of the degree versus the license desired.

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

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**BILL NO. 2012-3** **ORDINANCE NO. 11989**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED ON OR NEAR 401 E. SHEPHERD AVENUE IN KIRKSVILLE, MISSOURI.**

**WHEREAS**, a tract of land located on or near 401 E. Shepherd Avenue within the City of Kirksville, Missouri, which is part of a tract of land in the Northeast Fourth of the Southwest Quarter, the Southeast Fourth of the Southwest Quarter, the Northwest Fourth of the Southeast Quarter, and the Southwest Fourth of the Southeast Quarter, all in Section 16, Township 62 North, Range 15 West, 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: A tract of land situated in the Northeast Fourth of the Southwest Quarter, the Southeast Fourth of the Southwest Quarter, the Northwest Fourth of the Southeast Quarter, and the Southwest Fourth of the Southeast Quarter, all in Section 16, Township 62 North, Range 15 West, to the City of Kirksville, Adair County, Missouri and being more particularly described as follows:

Beginning at a found iron rod marking the Southeast corner of Lot 13 in Southpointe Subdivision Phase II; thence along the East line of said Subdivision, North 00 Degrees 27 Minutes East a distance of 423.16 feet to a found iron rod marking the Northeast corner of said Subdivision; thence along the North line of said Subdivision, North 87 Degrees 56 Minutes West a distance of 400.07 feet to a found iron rod; thence leaving the last described line, North 06 Degrees 34 Minutes West a distance of 199.86 feet to a found iron rod; thence North 88 Degrees 14 Minutes West a distance of 63.30 feet to a found iron rod; thence North 00 Degrees 14 Minutes West a distance of 104.15 feet to a found iron rod; thence South 88 Degrees 55 Minutes East a distance of 533.48 feet to a set iron rod on the East Right of Way line of High Street Extension, not built; thence along said East right of Way line, North 00 Degrees 00 Degrees 10 Minutes East a distance of 49.50 feet to a set iron rod; thence leaving the last described line, South 66 Degrees 28 Minutes east a distance of 709.79 feet to a found iron rod marking the Northeast corner of the Northwest Fourth of the Southwest Fourth of the Southeast Quarter of said Section 16; thence along the East line of the Northwest Fourth of the Southwest Fourth of the Southeast Quarter of said section 16; South 00 Degrees 16 Minutes West a distance of 100.32 feet to a set iron rod; thence leaving the last described line, North 87 Degrees 56 Minutes West a distance of 374.94 feet to a set iron rod; thence South 00 Degrees 27 Minutes West a distance of 411.44 feet to a found iron rod; thence South 89 Degrees 59 Minutes West a distance of 322.86 feet to the Point of Beginning, containing 9.9 acres more or less. Subject to any and all easements of record; and

**WHEREAS**, the Contract Purchaser Dr. Kelly Burchett has agreed to do a Lot Combination with his existing lot that has the required street frontage; and

**WHEREAS**, the lot being split is currently zoned CP-3 Planned Extensive Business, but if no development is completed by 11-21-2014, the zoning will revert back to R-1 and R-3 Residential zoning; 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 or near 401 E. Shepherd Avenue 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. 2012-4** **ORDINANCE NO. 11990**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE LOCATED AT 1023 E. JEFFERSON STREET HEREIN FROM O-1P PLANNED OFFICE DISTRICT ZONING TO CP-3 PLANNED EXTENSIVE BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

**WHEREAS**, the Contract Purchaser Jay Patel and his agent Steven Nuhn have submitted an application for rezoning of a tract of land located at 1023 E. Jefferson Street; and

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

Lots 1,2,3,4 and East Half of Lot 5, Block 1, Fible's Addition to Kirksville; and

**WHEREAS**, the request for rezoning 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 January 11, 2012, and after hearing thereon, the Planning and Zoning Commission voted to approve the rezoning request for designation to CP-3 Planned Extensive Business Zoning, and the Planning and Zoning Commission has forwarded their recommendation on to City Council; and

**WHEREAS**, no persons spoke in opposition to the rezoning.

**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, O-1P Planned Office District zoning to CP-3 Planned Extensive Business District zoning 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.

Councilmember Mills moved to approve the second reading of Bill Nos. 2012-2, 2012-3 and 2012-4; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

**Council Comments**

None.

**Adjournment**

There being no further business to come before the Council, Councilmember Mills moved to adjourn; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Mayor Detweiler declared the meeting adjourned at 6:30 p.m.

Vickie Brumbaugh, CMC MRCC  
City Clerk