

JOURNAL OF THE CITY COUNCIL

Regular Session – March 19, 2012

COUNCIL & STAFF PRESENT:

Richard Detweiler	Mayor
Tony Fajkus	Councilmember
Roger A. Edge	Councilmember
Jerry Mills	Councilmember
Mari E. Macomber	City Manager
Howard Hickman	City Attorney
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Sarah Halstead	Community Services Director
Jim Hughes	Police Chief
Ed leans	City Engineer
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, March 19, 2012, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Dan Green, of the Church of Christ, gave the Invocation. The Girl Scouts led the Pledge of Allegiance.

MINUTES

Councilmember Fajkus moved to approve the minutes of the regular session of March 5, 2012; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills. Noes – 0.

ORDER OF AGENDA

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

INFORMATION PRESENTATION

Mayor Detweiler read and presented Proclamations recognizing the Kirksville R-III Lady Tigers Basketball Team, and the Kirksville R-III Wrestling Team.

CITIZEN PARTICIPATION

Betty McLane-Iles, 503 South Stanford, asked for crosswalk protection for pedestrians trying to cross Baltimore along the area between Normal and Jefferson Streets, and between Jefferson Street and North 63. (Green Street)

UNFINISHED BUSINESS

BILL NO. 2012-11

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE HEREIN FROM R-1 SINGLE FAMILY ZONING TO CP-3 PLANNED

EXTENSIVE BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.

[Note: This proposed Ordinance was on the June 6, 2011 agenda, but did not receive a second, therefore it could not be discussed or acted on.]

Councilmember Fajkus moved to approve Bill No. 2012-11 on first reading; seconded by Councilmember Edge.

Dave Petre and Dick Roberts requested rezoning of three tracts of land on current unimproved land located on either side of the new alternate Highway 63 at the intersection of North Lincoln and Baltimore Streets. A petition from area residents expressing opposition was signed by the required 10% of affected land owners and was presented to the Planning and Zoning Commission. The Planning and Zoning Commission recommends only tract #2 of the three parcels for rezoning.

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

Motion to Reconsider Ordinance on Alley Vacation

Councilmember Edge moved to reconsider an Ordinance vacating the alley between 407 and 415 South Franklin Street; seconded by Councilmember Fajkus. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

[Note: This proposed Ordinance was on the March 5, 2012 agenda, but lacked a majority vote required for approval. Therefore, a motion to reconsider was necessary to consider it again.]

BILL NO. 2012-12

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING THE ALLEY BETWEEN 407 AND 415 SOUTH FRANKLIN STREET, IN KIRKSVILLE, MISSOURI.

Councilmember Fajkus moved to approve Bill No. 2012-12 on first reading; seconded by Councilmember Mills.

Drew Heller, 801 East Pierce, presented a signed petition to use the alley space as a dog park.

Brice Clark, 1516 South Baltimore, asked to use the alley as green space.

Chris Prizo, 3501 Westbury, asked to use it as green space.

Megan McDonald, 415 North Florence, said the students would appreciate the green space.

Marshall Banks, 612 North Franklin, stated it should be used as a pocket park.

Karl Hildebrandt, 403 South Franklin, stated that over the years his family, students and visitors have used the alley as green space.

Betty McLane-Iles, 503 South Stanford, said the area would enhance the downtown area, but she does not see it as a dog park.

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

ACTION PRESENTATIONS

BILL NO. 2012-13

RESOLUTION NO. R3-19-647

A RESOLUTION APPOINTING TWO CITY REPRESENTATIVES TO THE MISSOURI SOLID WASTE MANAGEMENT COUNCIL.

WHEREAS, on July 9, 1990, Missouri Governor John Ashcroft signed Senate Bill 530, now known as Missouri's solid waste management law, which is designed to foster local government cooperation to reduce the volume of landfill solid waste in Missouri by 40 percent by 1998; and

WHEREAS, the City of Kirksville has joined its neighbor counties in establishing the Northeast Missouri Solid Waste Management District; and

WHEREAS, the governing body of each City, over 500 population, within the district shall appoint one member of the City governing body to the Solid Waste Management Council and one member of the City governing body as an alternate.

NOW, THEREFORE, BE IT RESOLVED THAT THE City of Kirksville hereby requests that Roger Edge, being duly elected City official, shall represent the City of Kirksville on the Northeast Missouri Solid Waste Management Council; with Mari Macomber, a City official, representing the City as an alternate.

Councilmember Fajkus moved to approve Bill No. 2012-13; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

BILL NO. 2012-14

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING A PORTION OF CENTER ROAD BETWEEN OVERBROOK DRIVE AND COTTAGE GROVE AVENUE IN KIRKSVILLE, MISSOURI.

Councilmember Fajkus moved to approve Bill No. 2012-14 on first reading; seconded by Councilmember Mills.

Ruth Thompson, a resident, requested that a portion of Center Road be closed to keep people from driving into her yard. A small section of the road ties into a service road used by City crews to access the lift station. Vacation of this portion is recommended as the City can use Cottage Grove Avenue to access the lift station.

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

BILL NO. 2012-15

AN ORDINANCE AMENDING APPENDIX A – ZONING, SEC. 25-116 CORRIDOR STREETS, OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI BY ADDING THE NEW HIGHWAY 63 AS A CORRIDOR STREET.

Councilmember Edge moved to approve Bill No. 2012-15 on first reading; seconded by Councilmember Fajkus.

Brad Selby reported that Baltimore, Illinois, some of Jamison and Green Streets are existing corridor streets. Four intersections were created when the new Highway 63 was constructed. Developers are considering certain lots close to these intersections for commercial business purposes. Route P does not have locations around it for possible business use. Rezoning of these lots will require application to the Planning and Zoning Commission and the City Council.

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

BILL NO. 2012-16

AN ORDINANCE APPROVING AMENDMENTS TO CERTAIN SECTIONS OF APPENDIX A - ZONING, REGARDING MINIMUM PARKING SPACE DIMENSIONS AND REQUIREMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.

Councilmember Edge moved to approve Bill No. 2012-16 on first reading; seconded by Councilmember Fajkus.

A Parking Committee was formed in January to look at possible changes to parking required for new multi-family homes. They voted to simplify and reduce current parking requirements to require one parking space per bedroom for any new multi-family construction. Planning and Zoning recommends the change, plus a change in parking dimensions of a 9 ft by 18 ft parking space for commercial and residential parking.

Rachel Rulen, 83 Manor Crest Drive, spoke in favor of reducing parking. She asked the Council to consider adding requirements for bicycle parking. A copy of Kansas City's

bicycle parking requirements was given to the Council. Kansas City has one bike space for every ten vehicle parking spaces.

Karl Hildebrandt, 403 South Franklin, stated agreement that some area parking spots need to be lowered, but asked that the proposal be reconsidered because the expectation that a one bedroom apartment has one person with one car is not always the case.

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

Bid – Police Uniforms

Councilmember Fajkus moved to approve a bid from Alamar Uniforms North Kansas City for the purpose of police uniforms and related uniform equipment; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Brashear Park Tree Plan

Councilmember Edge moved to approve the Brashear Park Tree Plan as submitted by the Lakes, Parks and Recreation Commission; seconded by Councilmember Fajkus.

This Plan includes the addition of 12 trees. Community groups and service organizations will help with the purchase and installation of the trees.

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

Memorial Park Tree Plan

Councilmember Edge moved to approve the Memorial Park Tree Plan as submitted by the Lakes, Parks and Recreation Commission; seconded by Councilmember Fajkus.

This Plan includes the addition of 14 trees. Community groups and service organization will help with the purchase and installation of the trees.

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

P.C. Mills Park Tree Plan

Councilmember Edge moved to approve the P.C. Mills Park Tree Plan as submitted by the Lakes, Parks and Recreation Commission; seconded by Councilmember Fajkus.

This Plan includes the addition of 27 trees to complete the boundary of the park, with some located around the playground equipment and pool. Community groups and service organization will help with the purchase and installation of the trees.

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

Solid Waste Management Council Executive Board Appointments

Councilmember Fajkus moved to appoint Roger Edge as Representative, and Mari Macomber as Alternate, to the Executive Board of the Northeast Missouri Solid Waste Management Council.

Carolyn Chrisman had been serving since June 2011, but resigned the first of this year. The Bylaws of the Executive Board were recently changed to include the appointment of an Alternate. The City Manager is already serving as the Alternate on the Solid Waste Management Council.

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

Second Reading of Ordinances

BILL NO. 2012-11

ORDINANCE NO. 11992

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

WHEREAS, Petre and Roberts LLC have submitted an application for rezoning of a tract of land at the north intersection of the current Highway 63 and the new alternate Highway 63 in Kirksville, Missouri; and

WHEREAS, the real estate to be rezoned, designated as Tract #2, is hereinafter legally described as:

A tract of land situated in the Southeast Fourth of the Northeast Quarter of Section 28, Township 63 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the Northwest corner of the Southeast Fourth of the Southeast Quarter of said Section 28; thence along the Quarter quarter Section line, North 00 Degrees 17 Minutes East a distance of 1326.77 feet to the Northwest corner of the Northeast Fourth of the Southeast Quarter of said Section 28, also being the Point of Beginning of the Description herein, TO WIT: thence continuing along the Quarter quarter Section line, North 00 Degrees 41 Minutes East a distance of 393.81 feet to the right of way line for the New Highway 63; thence along said right of way the following courses and distances, South 51 Degrees 10 Minutes East a distance of 436.27 feet; thence South 01 Degrees 03 Minutes East a distance of 137.81 feet; thence North 87 Degrees 07 Minutes West a distance of 347.56 feet; to the Point of Beginning, containing 2.1 acres more or less. Subject to any and all easements of record; 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 May 11, 2011, and after hearing thereon, the Planning and Zoning Commission voted to approve only the rezoning for Tract #2 of the applicants 3 tracts of land, and that rezoning would be for a CP-3 Planned Extensive Business zoning designation, and the Planning and Zoning Commission has forwarded their recommendation on to City Council; and

WHEREAS, one person spoke in favor of the rezoning at the said public hearing on May 11, 2011, and 6 people spoke in opposition, and there was one written opposition to the zoning, and a petition was also received from at least 10% of the property owners that would be affected by the rezoning was received; and

WHEREAS, the petitioner has met the requirements for the rezoning of the described lot designated as Tract #2.

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 CP-3 Planned Extensive Business 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.

BILL NO. 2012-12 **ORDINANCE NO. 11993**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING THE ALLEY BETWEEN 407 AND 415 SOUTH FRANKLIN STREET, IN KIRKSVILLE, MISSOURI.

WHEREAS, adjacent property owner has petitioned the city for vacation of the alley between 407 and 415 South Franklin Street as described:

Starting at the intersection of the east right-of- way line of Franklin Street and the south corner of Pierce Street, then south 108 feet, then east 107 feet, then south 18 feet, then west 107 feet, then north 18 feet to a point of beginning.

WHEREAS, the vacation of said alley would not be detrimental to the best interests of the citizens of the City of Kirksville, Missouri.

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

Section 1. The alley right-of- way described above is hereby vacated.

Section 2. The City of Kirksville, Missouri hereby reserves the area to be vacated for an easement if utilities are present.

BILL NO. 2012-14

ORDINANCE NO. 11994

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, VACATING A PORTION OF CENTER ROAD BETWEEN OVERBROOK DRIVE AND COTTAGE GROVE AVENUE IN KIRKSVILLE, MISSOURI.

WHEREAS, the City has requested that a portion of Center Road from the east right-of-way line of Overbrook Drive to the west right-of-way line of Cottage Grove Avenue as described:

A part of the northwest fourth of the southwest quarter of section 3, township 62, range 15 west, commencing at the Northeast Corner of the Northwest fourth of the Southwest quarter of Section 3, Township 62 North, Range 15 West in Adair County, Missouri, thence South 1,320 feet to the Northeast Corner of the Southwest fourth of the Southwest Quarter of Section 3, Township 15 North, Range 15 West, thence North along said quarter, quarter section line 5.58 feet, thence North along said quarter, quarter section line 132 feet to the Point of Beginning for this description, thence North 52.55 feet, thence South 72 degrees, 4 minutes, 41 seconds, West, 129.75 feet, thence South 2 degrees, 43 minutes, 51 seconds West, 53.43 feet, thence North 72 degrees, 4 minutes, 41 seconds East, 131.67 feet to the Point of Beginning for this description, containing 0.15 acres, more or less.

WHEREAS, the vacation of said road would not be detrimental to the best interests of the citizens of the City of Kirksville, Missouri.

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

Section 1. The alley right-of-way described above is hereby vacated.

Section 2. The City of Kirksville, Missouri hereby reserves the area to be maintained as an easement for the purpose of constructing, operating, maintaining, repairing, improving or reconstructing all manner of public utilities, including but not limited to the following: storm sewer, sanitary sewer, water lines, gas lines, communication lines, including fiber optic and hard wire, electrical services and their appurtenances.

BILL NO. 2012-15

ORDINANCE NO. 11995

AN ORDINANCE AMENDING APPENDIX A – ZONING, SEC. 25-116 CORRIDOR STREETS, OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI BY ADDING THE NEW HIGHWAY 63 AS A CORRIDOR STREET.

WHEREAS, the construction of the new Highway 63 on the east side of Kirksville has created four major intersections within the city that have a potential for commercial business use on the adjoining lots, and the establishment of corridor streets is a planning tool for the City to use when considering the rezoning of property for a planned commercial business use.

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

Section 1. Appendix A – Zoning. Article XXIII. Corridor Zoning.

The addition of paragraph 5 to Section 25-116 – Corridor Streets - as follows:

(5) U.S. Highway 63 locations:

- a. **On the West of Highway 63, from a point 115 feet north of the north right- of-way line of Brewington Avenue, to a point to the northwest, following the land reserved for the outer road for 2,070 feet, and following the on-ramp of the highway, to a point 360 feet before the Business Highway 63 intersection.**
- b. **On the East of Highway 63, from a point 500 feet North of the Business Highway 63 intersection, to a point 750 feet South of Lincoln Street.**
- c. **On the East and West of Highway 63, from the North right-of-way line of Illinois Street, North 4,000 feet.**
- d. **On the East of Highway 63, from the South right-of-way line of Illinois Street, South to the line of the old CB&Q Railroad right-of-way.**
- e. **On the West of Highway 63, from a point 1,350 feet North of Shepherd Avenue right-of-way, South to the City Limits.**
- f. **On the East of Highway 63, from Patterson Street South to the City limits.**

Section 2. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the code.

BILL NO. 2012-16

ORDINANCE NO. 11996

AN ORDINANCE APPROVING AMENDMENTS TO CERTAIN SECTIONS OF APPENDIX A - ZONING, REGARDING MINIMUM PARKING SPACE DIMENSIONS AND REQUIREMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, a Parking Committee has recommended a reduction in the multi-family housing parking requirements and standardization of minimum parking space dimensions, and

WHEREAS, the Planning and Zoning Commission approved the changes listed in this ordinance at their regular meeting of March 14, 2012.

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

Section 1. That the amendments listed below to Appendix A –Zoning of the Code of Ordinances shall be approved and incorporated into the Code of Ordinances of the City of Kirksville, Missouri, as follows:

Note: Additions are shown in **bold printing**. Sections to be deleted are shown with ~~strikeouts~~.

Sec. 25-1. Definitions.

Parking. **See Article IV of Appendix A – Zoning.**

~~Tier I: An area within Kirksville bounded by Jefferson on the north, Halliburton to the east (backlot line of eastern side of street), LaHarpe to the south, and Baird to the west and where Baird, if extended, would intersect with LaHarpe to the south and Jefferson to the north, if Jefferson were extended to the west. See map following section 25-31.~~

~~Tier II: All areas within Kirksville outside of the Tier I area.~~

Parking space. For off-street parking computations, a parking space shall have minimum dimensions of nine (9) feet by ~~twenty (20)~~ **eighteen (18)** feet for **both** commercial and ~~eight and one-half (8.5) feet by eighteen (18) feet for~~ residential usage.

Sec. 25-31. Required parking.

[c] - Delete and replace with a new paragraph as follows:

[c] **Minimum off-street parking requirements are:**

All parking and driveway areas are required to be hard-surfaced with concrete or asphalt paving.

Single-family residential: Two (2) parking spaces per residence.

Duplex (two-family) residential: Two (2) parking spaces per unit, totaling four (4) parking spaces per duplex.

Multi-family residential: One (1) parking space per bedroom.

Note: Remove/Delete the map on Page 2205 of the printed Municipal Code.

Sec. 25-39. Maintenance of parking facilities and design specifications.

(f) Dimensions of parking and other paved areas: Parking stall dimensions shall not be less than nine (9) **feet** by eighteen (18) feet for **both** commercial and ~~eight and one half (8.5) by eighteen and one half (18.5) feet for~~ residential developments plus the necessary space for maneuvering....

Section 2. This ordinance shall be of full force and effect from and after the date of its passage.

Councilmember Fajkus moved to approve Bill Nos. 2012-11, 2012-12, 2012-14, 2012-15 and 2012-16 on second reading; seconded by Councilmember Edge. 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 Fajkus moved to adjourn to an Executive Session regarding a Legal Matter, RsMO 610.021(1) and a Real Estate Matter, RsMO 610.021(2); seconded by Councilmember Edge. The City Clerk took the Roll Call vote. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Mayor Detweiler declared the meeting adjourned to an Executive Session at 7:00 p.m.

Vickie Brumbaugh, CMC MRCC
City Clerk