

JOURNAL OF THE CITY COUNCIL

Regular Session – April 2, 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
David Hall	Airport 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, April 2, 2012, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Tony Fajkus, Councilmember, gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

MINUTES

Councilmember Fajkus moved to approve the minutes of the regular session of March 19, 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 Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

INFORMATION PRESENTATION

Mayor Detweiler presented a Key to the City in recognition of the work ATSU President Jack Magruder has done for the community.

Mayor Detweiler announced the proclaiming of April as Fair Housing Month.

CITIZEN PARTICIPATION

None.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2012-17

RESOLUTION NO. R4-2-648

A RESOLUTION RECOGNIZING STEVE ALBERTSON, CORPORAL, UPON HIS RETIREMENT AFTER 25 YEARS AND 7 MONTHS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, the City of Kirksville is desirous of recognizing long-term employees; and

WHEREAS, **Steve Albertson** worked for the Kirksville Police Department from August 25, 1986 to April 1, 2012; and

WHEREAS, Steve demonstrated a perfect attendance record of 22 consecutive years from 1987 through 2008; and

WHEREAS, Steve's performance of his duties and responsibilities, and his working relationships were always characterized by outstanding diligence to the job while serving in the positions of Police Officer and Corporal; and

WHEREAS, Steve's dedicated interest and devotion to duty have had a valuable effect in the safety of the citizens of Kirksville and the prevention of crime in the City; and

WHEREAS, **Steve Albertson** retired on April 1, 2012, after serving the citizens of the City of Kirksville for 25 years and 7 months.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to Steve Albertson for his devotion to duty to the citizens of Kirksville.

Councilmember Fajkus moved to approve Bill No. 2012-17; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Mayor Detweiler read and presented the framed Resolution to Steve Albertson.

BILL NO. 2012-18

RESOLUTION NO. R4-2-649

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PEAK FLOW VOLUNTARY COMPLIANCE AGREEMENT WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

WHEREAS, a revision to 10 CSR 20-7.015 *Effluent Regulations* became effective on June 30, 2010 and eliminated the provision that provided a mechanism for discharge of peak flows receiving only primary treatment during wet weather events at the City's wastewater treatment plant, and

WHEREAS, the City is in the process of renewing its permit to operate the wastewater treatment plant, and

WHEREAS, the Department of Natural Resources has proposed a Voluntary Compliance Agreement affording the City time to develop and implement a plan to eliminate bypasses from the City's wastewater treatment plant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kirksville, Missouri, hereby authorizes the execution of a Peak Flow Voluntary Compliance Agreement between the City and the Missouri Department of Natural Resources.

Councilmember Fajkus moved to approve Bill No. 2012-18; seconded by Councilmember Edge.

Under Effluent Regulations, intermittent wet-weather discharges for Outfall #2 can no longer be authorized by the Department of Natural Resources. The City will submit a bypass elimination plan within 365 days of execution of the agreement.

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

BILL NO. 2012-19

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR REIMBURSEMENT FOR AIRPORT OPERATOR TRAINING IN FIRE, RESCUE AND EMERGENCY TECHNIQUES AND OTHER ASPECTS OF EMERGENCY RESPONSE TO FIRES, ACCIDENTS AND OTHER EMERGENCIES INVOLVING AIRCRAFT.

Councilmember Edge moved to approve Bill No. 2012-19 on first reading; seconded by Councilmember Fajkus.

The Federal Aviation Administration requires Airports to complete aircraft rescue and firefighting training bi-annually. The training was completed in 2010 at \$300 each. Reimbursement of the expense is available now from the Missouri Department of Transportation Aviation Airport Aid Agreement.

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

BILL NO. 2012-20

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED IN THE 2800 BLOCK OF N. LINCOLN STREET, OWNED BY WALTER HARRIS IN KIRKSVILLE, MISSOURI.

Councilmember Fajkus moved to approve Bill No. 2012-20 on first reading; seconded by Councilmember Edge.

Walter Harris, property owner, requested a lot split at the 2800 block of North Lincoln Street. All city requirements have been met. Construction of a single family home will be started on tract 2.

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

BILL NO. 2012-21

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS BETWEEN THE CITY OF KIRKSVILLE AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION FOR THE PURCHASE OF .71 ACRES OF CREDIT FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION'S BEAR CREEK WETLAND MITIGATION BANK.

Councilmember Fajkus moved to approve Bill No. 2012-21 on first reading; seconded by Councilmember Edge.

During an FAA safety inspection in 2009, there was a swamp-like condition detected. A wetland delineation report and field determination was completed in 2010 with Bucher, Willis and Ratliff in accordance with the U.S. Corps of Engineers. One of the conditions to eliminate the swamp-like problem was that the City shall purchase .71 wetland credits as mitigation credit at a cost of \$10,650. Ninety-five percent of this is reimbursable.

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

Council Policy #27 Amended

Councilmember Fajkus moved to approve an Amendment to Council Policy #27 – Consumption of Alcohol for Private Special Events at Rotary Park and 315 South Franklin now known as the Economic Development Alliance; seconded by Councilmember Edge.

With the relocation of KREDI, MREIC and the KDIC to the former TCRC building now called the Economic Development Alliance, there may be occasions when they would want to entertain clients, or hold an event to promote a project and would want to include alcohol. The current process requires more turnaround time than is practical.

Councilmember Fajkus moved to amend the motion to insert Rotary Park Amphitheater in paragraph C; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

The motion, as amended, carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

T-Mobile Tower Lease Amended

Councilmember Fajkus moved to approve an amendment to the T-Mobile Tower Lease agreement executed in March of 2011; seconded by Councilmember Edge.

The original agreement allowed for the installation of a new tower outside of City Hall with rental payments from T-mobile for use of the tower space. There was contradictory language in the agreement regarding relocating the communications equipment from the old tower to the new tower. The amendment extends the lease from five to six years. The first year will be free rent, but T-Mobile will pay the cost to relocate the City's communication equipment estimated at \$18,000.

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

Fiber Park Promotional Agreement with AT&T

Councilmember Mills moved to approve the execution of a Fiber Park promotional agreement between the City and AT&T; seconded by Councilmember Fajkus.

KREDI will use this as a marketing tool. The Fiber Park designation means the area has AT&T's latest data technology available.

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

Addendum 1 w/Trabue, Hansen & Hinshaw re: Franklin St

Councilmember Fajkus moved to authorize the City Manager to execute Addendum 1 with Trabue, Hansen & Hinshaw for design-engineering services for improvements to Franklin Street from Jefferson Street to Patterson Street; seconded by Councilmember Edge.

The TIF Commission approved an opportunity to complete an additional section of Franklin Street from Jefferson north to Missouri on the west side of the roadway.

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

P.C. Mills Parking Lot Concrete Work Agreement

Councilmember Fajkus moved to authorize the City Manager to enter into an agreement with Mason Construction, Milan, Missouri for the P.C. Mills parking lot concrete work; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Asphalt Paver (used) Purchase

Councilmember Fajkus moved to authorize the purchase of a used asphalt paver from Roland Machinery Company to support the Asphalt Street Maintenance program; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Asphalt Reclaimer (used) Purchase

Councilmember Fajkus moved to authorize the purchase of a used asphalt reclaimer (self powered milling attachment) from Murphy Tractor and Equipment Company to support the Asphalt Street Maintenance Program; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Alcohol Consumption at Airport

Councilmember Mills moved to approve a request for the use of the Kirksville Regional Airport and to allow for consumption of alcohol on the City property for a special event sponsored by the Chamber After Hours program; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Second Reading of Ordinances

BILL NO. 2012-19

ORDINANCE NO. 11997

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR REIMBURSEMENT FOR AIRPORT OPERATOR TRAINING IN FIRE, RESCUE AND EMERGENCY TECHNIQUES AND OTHER ASPECTS OF EMERGENCY RESPONSE TO FIRES, ACCIDENTS AND OTHER EMERGENCIES INVOLVING AIRCRAFT.

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

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Kirksville a contract with the Missouri Highways and Transportation Commission providing \$900 from the MoDOT discretionary fund under Section 305.230.4(2)(c) RSMo.

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. 2012-20

ORDINANCE NO. 11998

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED IN THE 2800 BLOCK OF N. LINCOLN STREET, OWNED BY WALTER HARRIS IN KIRKSVILLE, MISSOURI.

WHEREAS, a tract of land situated in the Southwest Fourth of the Northwest Quarter of Section 34, Township 63 North, Range 15 West, Adair County, Missouri and is incorporated herein by reference, and has been regularly certified by Edward A. Cleaver, licensed surveyor number LS 1241; and

WHEREAS, the tract of land is being split into two lots as follows:

Description of Tract 1:

A tract of land situated in the Southwest Fourth of the Northwest Quarter of Section 34, Township 63 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the West Quarter Point of said Section 34; thence along the Quarter Section line, South 89 Degrees 56 Minutes East a distance of 30.86 feet to a found iron rod on the East Right of Way of Lincoln Street; thence along said Right of Way, North 00 Degrees 47 Minutes East a distance of 255.61 feet to a set iron rod also being the Point of beginning of the description herein, TO WIT: thence continuing North 00 Degrees 47 Minutes East a distance of 189.82 feet to a set iron rod; thence leaving the last described line, South 89 Degrees 34 Minutes East a distance of 360.40 feet to a set iron rod; thence South 00 Degrees 51 Minutes West a distance of 186.65 feet to a set iron rod on the North line of a proposed road 60 feet wide; thence along the North line of said proposed road, South 89 Degrees 56 Minutes West a distance of 360.22 feet to the Point of Beginning, containing 1.6 acres more or less. Subject to any and all easements of record.

Description of Tract 2:

A tract of land situated in the Southwest Fourth of the Northwest Quarter of Section 34, Township 63 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the West Quarter Point of said Section 34; thence along the Quarter Section line, South 89 Degrees 56 Minutes East a distance of 30.86 feet to a found iron rod on the East Right of Way of Lincoln Street; thence along said Right of Way, North 00 Degrees 47 Minutes East a distance of 445.43 feet to a set iron rod also being the Point of beginning of the description herein, TO WIT: thence continuing North 00 Degrees 47 Minutes East a distance of 189.82 feet to a found iron rod; thence leaving the last described line, South 89 Degrees 03 Minutes East a distance of 360.62 feet to a found iron rod; thence South 00 Degrees 51 Minutes West a distance of 186.65 feet to a set iron rod; thence North 89 Degrees 34 Minutes West a distance of 360.40 feet to the Point of Beginning, containing 1.6 acres more or less. 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 lands 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 as described above, in the 2800 block of N. Lincoln Street be 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. 2012-21 **ORDINANCE NO. 11999**
AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS
BETWEEN THE CITY OF KIRKSVILLE AND THE MISSOURI HIGHWAY AND
TRANSPORTATION COMMISSION FOR THE PURCHASE OF .71 ACRES OF

CREDIT FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION'S BEAR CREEK WETLAND MITIGATION BANK.

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

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Kirksville any documents necessary with the Missouri Highways and Transportation Commission to purchase .71 acres of credit from the MoDOT Bear Creek Wetland Mitigation Bank.

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.

Councilmember Fajkus moved to approve Bill Nos. 2012-19, 2012-20, and 2012-21 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; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus and Mills. Noes – 0.

Mayor Detweiler declared the meeting adjourned at 6:38 p.m.

Vickie Brumbaugh, CMC MRCC
City Clerk