

JOURNAL OF THE CITY COUNCIL

Regular Session – April 6, 2009

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Jill McCord (entered at 5:34 pm)	Councilmember
Todd Kuhns	Councilmember
Richard L. Detweiler	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Tim King	Deputy Police Chief
Brad Selby	Code Administrator
Melanie Smith	Community Services Director

Absent: Aaron Rodgerson Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, April 6, 2009, at 5:30 p.m. in the City Hall Council Chambers.

[The meeting was filmed by KTRM TV staff.]

INVOCATION/PLEDGE

Councilmember Todd Kuhns gave the Invocation. The City Council led the Pledge of Allegiance.

MINUTES

Councilmember Kuhns moved to approve the minutes of the regular session of March 16, 2009; seconded by Councilmember Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – absent. 3 Ayes; 0 Nays; 2 Absent.

ORDER OF AGENDA

Councilmember Detweiler moved to approve the Order of the Agenda; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – absent. 3 Ayes; 0 Nays; 2 Absent.

INFORMATION PRESENTATION & PUBLIC HEARING

[Councilmember McCord entered the meeting at 5:34 p.m.]

Mayor Rowe read a Proclamation for Fair Housing Month in April, 2009.

CITIZEN PARTICIPATION

Dr. Larry Miller, business address of 506 Rosewood, said that he came as a concerned citizen, and as a physician, in regards to the proposed professional building on South Baltimore. He is against the tax abatement requested, and cited other medical and dental professional office buildings constructed since the 1970's, and none of them had tax abatements and all pay taxes. This project would be a shortfall of \$300,000 in taxes. These are professional people and they have no reason to ask for favors. The lawyer is using hard time conditions for a reason. Dr. Miller said that he hopes this project moves forward based on its merits, and not handouts.

Dr. Jodie Gordon, 810 Dogwood Dr, a dentist. said he has talked to each Councilmember. This is a for-profit enterprise. He is against the tax abatement. Dr. Gordon wants the project to move forward, and he said that he agrees with everything Dr. Miller has said.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2009-17

RESOLUTION NO. R4-6-576

A RESOLUTION OF APPRECIATION TO THE TRUMAN STATE UNIVERSITY BIG EVENT PROJECT.

WHEREAS, the City of Kirksville wishes to recognize outstanding services and contributions to the Kirksville community; and

WHEREAS, nine years ago, the Truman State University Serve Center organized the BIG EVENT for volunteer students to serve the citizens of Kirksville; and

WHEREAS, at this year's BIG EVENT, held on March 21, 2009, approximately 1,550 Truman students volunteered for tasks such as raking leaves, painting, washing windows and weeding; and

WHEREAS, the BIG EVENT also organized about 150 students to clean up Franklin Street and the downtown area; and

WHEREAS, more than 200 projects were completed by the students throughout the community.

NOW, THEREFORE, BE IT RESOLVED, that the volunteer students and planners of the BIG Event be recognized for their exceptional service, and the City Council of the City of Kirksville extends our sincere appreciation for their many contributions toward beautifying our community.

Councilmember Detweiler moved to approve Bill No. 2009-17; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Mayor Rowe presented the Resolution to Mandy Love, Co-coordinator of the BIG EVENT Serve Center.

BILL NO. 2009-18

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF LOT #2 OF THE GENEVA HEIGHTS SUBDIVISION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 801 N. BALTIMORE STREET.

Councilmember Kuhns moved to adopt Bill No. 2009-18 on first reading; seconded by Councilmember McCord.

Code Administrator Brad Selby explained that Richard and Wendy Schaefer own three lots of the Geneva Heights subdivision. They have a business located on lot 3. Andrew Farwell wishes to purchase lot 1 and 2, but the Schaefer's wish to retain the north 11 feet of lot 2, which includes part of their parking lot for their business. A lot split is recommended, and a lot combination will have to be filed.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

AmerenUE Agreement for Electrical upgrade at Water Treatment

Councilmember McCord moved to authorize the City Manager to execute an agreement with AmerenUE for costs associated with installing three-phase underground primary wiring and installing a 500 KVA three-phase pad mount transformer for an electrical upgrade at the water treatment facility for \$24,500.84; seconded by Councilmember Detweiler.

John Buckwalter reported this work is part of the improvement project on the water treatment facility, but is not included as part of Sparks Constructors contract. The work is eligible for funding under the State Revolving Loan Fund.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Skatepark Sidewalk, Parking & Fencing w/Mihalevich

Councilmember Detweiler moved to authorize the City Manager to execute an agreement with Mihalevich Concrete Construction, Inc., for the construction of sidewalks, parking and fencing at the Kirksville Skate Park in the amount of \$35,389.10; seconded by Councilmember McCord.

Melanie Smith reported that construction on the skatepark is 98 percent complete. The skatepark is partly financed by a grant from the Missouri Department of Natural Resources. The agreement with the Department of Natural Resources requires ADA compliance for the area adjoining the park to make the park accessible for everyone. Therefore, proper signage and ADA sidewalk to and around the park are necessary, along with two parking spaces designated for handicap accessibility.

City Manager Macomber stated, for information purpose, that bikes are not allowed on the skatepark. Pegs on bikes will damage the skatepark material, and MIRMA insurance will not cover it.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Bid – Traffic Paint

Councilmember Kuhns moved to approve the bid award for traffic paint to ICI Paints of St. Peters, Missouri, in the amount of \$10,690.75; seconded by Councilmember Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Bid – Tracked Loader

Councilmember Kuhns moved to approve the bid award for a tracked loader to Crown Power, Columbia, Missouri for the net cost of \$34,423; seconded by Councilmember Detweiler.

John Buckwalter reported this is a scheduled replacement of a skid steer loader for utility maintenance. The tracked loader gives the ability to work on lawns and soft areas. The bids included a second set of tracks, but because the amount exceeded the budget, it is recommended not to purchase the second set reducing the low bid by \$3,205.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Alcohol consumption at Airport for Business after Hours

Councilmember Kuhns moved to approve a request for the use of the Airport, and to allow consumption of alcohol on this City property, for a special event sponsored by the Chamber After Hours Program; seconded by Councilmember McCord.

Tim King reported this is the first request for consumption of alcohol at a city facility since the new Council Policy #28 went into effect. The Airport Terminal building will be used for the Chamber Business After Hours on April 16, from 5:00 p.m. to 7:00 p.m. Mr. King explained that most of the required paperwork is in place, and approval is contingent upon all necessary insurance be completed with the City's Risk Manager.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

BILL NO. 2009-19

RESOLUTION NO. R4-6-577

A RESOLUTION APPOINTING A CITY REPRESENTATIVE 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 body as an alternate.

NOW, THEREFORE, BE IT RESOLVED THAT THE City of Kirksville hereby requests that Martha Rowe, an elected official, shall represent the City of Kirksville on the Northeast Missouri Solid Waste Management Council; and Mari Macomber, will represent the City as an alternate member, for a term effective upon passage, through December 31, 2010.

Councilmember Detweiler moved to approve Bill No. 2009-19; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers:

Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Appoint Councilmember Detweiler to Hwy 63 Transportation Corp

Councilmember Kuhns moved to appoint Councilmember Richard Detweiler to a three-year term on the Highway 63 Transportation Corporation; seconded by Councilmember McCord.

Mari Macomber explained that Wayne Blackman's term was up and he did not wish to be re-appointed.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Second Reading

BILL NO. 2009-18

ORDINANCE NO. 11869

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF LOT #2 OF THE GENEVA HEIGHTS SUBDIVISION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 801 N. BALTIMORE STREET.

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

WHEREAS, part of a tract of land located on or near 801 N. Baltimore street within the City of Kirksville, Missouri, is proposed to be split and then combined as a Combination Lot with Lot #3 described herein, and is incorporated herein by reference, and has been regularly certified by Ronald L. Beyer, licensed surveyor number P.L.S. 2195; and

WHEREAS, the plat of land is described as follows:

A tract of land being the North 11.00 feet of that part of Lot 2 of Geneva Heights Addition to the City of Kirksville, as recorded in Plat Book 6, Page 46 of the Adair County Records situated in the Southeast Quarter of Section 4, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows:

Commencing at the Northeast Corner of Lot 1 of said Geneva Heights Addition said point also being on the Western right of way of U.S. Highway 63 (as known as Baltimore Street); thence along the said Western right of way line, North 00 degrees 40 minutes 00 seconds East, a distance of 89.00 feet to the Actual Point of Beginning; thence departing the said right of way line, North 89 degrees 20 minutes 00 seconds West, a distance of 160.00 feet to the Eastern line of a tract of land as described in a deed to the Adair County Library District as recorded in Deed Book 375, Page 12 of the Adair County records; thence along the said Eastern line, North 00 degrees 40 minutes 00 seconds East, a distance of 11.00 feet to a point on the Northern line of Lot 2 of Geneva Heights as recorded in Plat Book 6, Page 46; thence along the said Northern line of Lot 2, South 89 degrees 20 minutes 00 seconds East, a distance of 160.00 feet to a point on the Western right of way line of said U.S. Highway 63; thence along the said right of way line, South 00 degrees 40 minutes 00 seconds West, a distance of 11.00 feet to the Point of Beginning, said described tract containing 1,760 square

feet or 0.040 acre, more or less. Subject to restriction, covenants, conditions and easements of record if any.

WHEREAS, Richard and Wendy Schaefer have agreed to do a Lot Combination of the split portion of Lot 2 and the total of Lot 3, and to file the same with the Adair County Recorders Office; and

WHEREAS, the “Plat” showing the lot split shall be recorded in the Recorder’s Office of Adair County, Missouri,

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

That the lot split for a tract of land located in or near 801 N. Baltimore street 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.

Councilmember McCord moved to adopt Bill No. 2009-18 on second reading; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Comments

City Manager Macomber announced there will be a public meeting next Tuesday, April 14, at 5:30 p.m. to hear more information and allow for questions regarding the proposed medical office building project at 1600 South Baltimore.

Adjournment

Councilmember Detweiler moved to adjourn; seconded by Councilmember McCord. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – absent. 4 Ayes; 0 Nays; 1 Absent.

Mayor Rowe adjourned the meeting at 6:10 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk