

JOURNAL OF THE CITY COUNCIL

Regular Session – April 20, 2009

COUNCIL & STAFF PRESENT:

Martha Rowe	Mayor
Todd Kuhns	Councilmember
Carolyn Chrisman	Councilmember
Richard L. Detweiler	Councilmember
Aaron Rodgerson	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Cherie Bryant	Assistant to the City Manager
John Buckwalter	Public Works Director
Laura Guy	Finance Director
Jim Hughes	Police Chief
Brad Selby	Code Administrator
Melanie Smith	Community Services Director

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, April 20, 2009, at 6:00 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 Rodgerson moved to approve the minutes of the special sessions of April 13 and April 14, 2009; seconded by Councilmember Chrisman. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

ORDER OF AGENDA

City Manager Macomber reported that Item #8 – The Bid dollar amount for waterproofing the basement of the Police Department will be amended. The Council will also be asked to consider that Councilmember Rodgerson had expressed an interest to serve on the Historic Preservation Commission, and Councilmember Chrisman has also expressed a desire to serve.

Councilmember Kuhns moved to approve the Order of the Agenda, as amended; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

INFORMATION PRESENTATION & PUBLIC HEARING

Mayor Rowe presented the Government Finance Officers Association award to Finance Director Laura Guy.

Mayor Rowe opened the Public Hearing at 6:10 p.m. to allow for citizen comments on a CDBG application for KDICI support.

Cherie Bryant explained that Kirksville is a DREAM community, and during a structure review it was pointed out that an Executive Director is missing. CDBG funding allows for money to pay the salary of \$50,000 (including benefits) for the first year, and the same amount for the second year for a total of \$100,000. There is a requirement to hold a public hearing. The City is proposing to obtain funds on behalf of the Kirksville Downtown Improvement Committee, Inc. for the employment of an Executive Director. The City also proposes to contribute \$2,500 in-kind labor.

Harriett Beard, 120 East Washington, was present and spoke in favor of the activity.

There being no further comments, Mayor Rowe closed the Public Hearing at 6:14 p.m.

Mayor Rowe opened the Public Hearing at 6:14 p.m. for citizen comments on Law Enforcement Grants.

Police Chief Jim Hughes explained that three Federal grants are being considered, and none of them are matching programs through the Bureau of Justice. The City Police Department is working with the County Sheriff as the grant money is not available to either party without the other. Funds will be used to purchase crime scene investigation tools and support officer staffing.

Sheriff Bob Hardwick reported that when deputies go to the country areas, they do not have radio frequency with the 911 center. They would like to use funds for tower frequency.

Chief Hughes further explained the department is 20% below staffing of comparable cities. Currently there are three officers on the street, if five officers can be hired, then four officers would be on the street. One of the requirements is they have to retain those officers after the grant runs out. The third grant is due April 22, and would be money used for maintenance and upgrading of the 911 equipment.

There being no further comments, Mayor Rowe closed the Public Hearing at 6:33 p.m.

Mayor Rowe opened the Public Hearing at 6:33 p.m. to hear citizen comments regarding CDBG funds for potential business development.

Phil Tate, KREDI, Director of Job Creation, reported there are CDBG funds available under an Action Loan Program that provides a loan, not to exceed \$1,000,000, to certain types of for-profit companies for start-up or expansion. The City would like to apply for \$1,000,000 for a project that will provide new employment in Kirksville. There are currently pending real estate contracts, and the company's name is being held confidential at this time.

There being no further comments, Mayor Rowe closed the Public Hearing at 6:40 p.m.

CITIZEN PARTICIPATION

Clare Mulanix, Ryle Hall, from the TSU Debate Communications class, spoke regarding the recent sales tax question that did not pass. She reported that over 1,000 students were registered to vote, and only ten students voted at this past election. She asked that the TSU students be made more aware of any future election ballot questions.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2009-23

RESOLUTION NO. R4-20-579

A RESOLUTION OF THE CITY OF KIRKSVILLE, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

WHEREAS, Title I of the Housing and Community Development Act of 1974 does state as its primary objective “the development of viable urban communities, by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;”

WHEREAS, Title I does offer to communities the opportunity of monetary assistance in accomplishing its stated primary objectives;

WHEREAS, The Missouri Department of Economic Development is designated to award Community Development Block Grant funding under Title I; and

WHEREAS, the city does have areas of need which may be addressed through the Community Development Block Grant program.

NOW, THEREFORE BE IT RESOLVED by the City of Kirksville, Missouri, that it desires to continue participation with the Missouri Department of Economic Development in plans and activities for the improvement of our community under the activities authorized pursuant to the Housing and Community Development Act of 1974.

THEREFORE, BE IT FURTHER RESOLVED, that the Mayor of Kirksville, Missouri hereby is authorized to pursue and submit documents which are necessary in applying for funding and establishing an administrative organization to implement activities pursuant to the aforementioned act.

THEREFORE, BE IT FURTHER RESOLVED, that the applicant will provide no city monies for this project. The City proposes to contribute \$2,500 in-kind labor. Total CDBG funds requested is \$100,000 to successfully complete the project.

Councilmember Rodgerson moved to approve Bill No. 2009-23; seconded by Councilmember Kuhns.

Cherie Bryant explained the application for CDBG funds is on behalf of the Kirksville Downtown Improvement Committee, Inc. for the employment of an Executive Director. No city monies will be spent, except for a contribution of \$2,500 in-kind services.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

BILL NO. 2009-24

RESOLUTION NO. R4-20-579

A RESOLUTION OF THE CITY OF KIRKSVILLE, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

WHEREAS, Title I of the Housing and Community Development Act of 1974 does state as its primary objective “the development of viable urban communities, by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;”

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THEREFORE, BE IT FURTHER RESOLVED, that the applicant will provide no city monies for this project. The City proposes to contribute \$2,500 in-kind labor. Total CDBG funds requested is \$1,000,000 to successfully complete the project.

Councilmember Rodgerson moved to approve Bill No. 2009-24; seconded by Councilmember Detweiler.

Cherie Bryant explained the City will request \$1,000,000 CDBG Action Fund Loan for an economic development project. No city monies will be spent, except for a contribution of \$2,500 in-kind labor services.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

BILL NO. 2009-25

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

Councilmember Rodgerson moved to adopt Bill No. 2009-25 on first reading; seconded by Councilmember Chrisman.

Brad Selby announced that Andrew Farwell, an Attorney, has a contract to purchase a tract of land located at 713 and 801 North Baltimore on which to build a new professional office building. No opposition was voiced at the public hearing held by the Planning and Zoning Commission. The P & Z recommends the rezoning request.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

BILL NO. 2009-26

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING MOTOR VEHICLES AND TRAFFIC; AND REPEALING SECTION 436 OF CHAPTER 15.

Councilmember Kuhns moved to adopt Bill No. 2009-26 on first reading; seconded by Councilmember Detweiler.

Jim Hughes explained that definitions in the traffic ordinance were modified, and additional handicapped parking spaces were made. The School District had requested that the rolling stop sign at Cottage Grove be made a permanent stop sign.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Law Enforcement Grants

Councilmember Chrisman moved to approve submission of law enforcement grant applications; seconded by Councilmember Rodgerson.

Chief Jim Hughes reported one grant would fund employment of additional police officers for a three-year period at 100 percent. Another grant would provide funding to purchase replacement radio equipment for the E911 Center and computer software. A third grant would be a joint partnership with the County to purchase crime scene investigation equipment to outfit the officers.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Tub Connection – Cancellation of Agreement

Councilmember Rodgerson moved to approve a Cancellation of an Agreement with Tub Connection; seconded by Councilmember Chrisman.

Mari Macomber reported the Council had approved an agreement with Tub Connection last January. Due to the economy change, the owner of Tub Connection has chosen to terminate the agreement at this time.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

PR Intervals Agreement

Councilmember Detweiler moved to approve an agreement with PR Interval Properties, LLC regarding the Community Development Block Grant award of \$250,000 for the renovation of the Cochran building, at 119-121 North Main; seconded by Councilmember Rodgerson.

Mari Macomber explained that the State of Missouri requires an agreement between the developer and the City when CDBG funds are being applied for. An amount of \$250,000 is being request in CDBG funding.

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

Bid – Waterproof Police Dept Basement

Councilmember Rodgerson moved to approve a bid from Foundation Recovery Systems for repair and waterproofing of the Police Department’s basement; seconded by Councilmember Chrisman.

Brad Selby reported that since the bid of \$12,344 was received, it is being requested that an additional eight foot inside the building be worked on, which will increase the cost to \$13,432. An amount of \$20,000 was budgeted.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Bid – Sludge Truck

Councilmember Detweiler moved to approve the purchase of a tandem axle truck with sludge tank and pump from Truck Country at \$102,276; seconded by Councilmember Kuhns.

John Buckwalter reported that Truck Country offered a trade-in of \$14,000 for the used truck. A local business has expressed interest to purchase the old truck. Truck Country has no objection if the City sells the old unit, therefore it is recommended that the City advertise the old truck with a minimum equal to the trade-in offered. The net price for the new truck will be \$102,276.

[Councilmember Rodgerson left the meeting briefly, and was out of the room when the vote was taken.]

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

[Councilmember Rodgerson returned to the meeting.]

Bid - Crack Sealing Program

Councilmember Chrisman moved to approve a bid from Paving Maintenance Supply Company for the purchase of a Crafcro Super Shot melter/applicator for \$73,288.07 for use in a crack sealing program for city streets; seconded by Councilmember Kuhns.

John Buckwalter reported the low bid includes delivery, on-site training and a one year warranty. There are 40 miles of concrete street in the City.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Bid – Truck Bed

Councilmember Rodgerson moved to approve a bid from Ox Bodies of Fayette, Alabama in the amount of \$15,884.95 for the purchase of a 15-foot barrel bed and cylinder installed on a three-ton tandem axle truck; seconded by Councilmember Chrisman. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Liquor License – Smitty’s Westport

Councilmember Detweiler moved to approve an additional liquor license for Smitty’s Westport; seconded by Councilmember Kuhns.

Laura Guy reported that Smitty’s is an existing business who has made application to be additionally licensed for original package wine tasting.

The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – nay. 4 Ayes; 1 Nay.

LPRC Appointment

Councilmember Chrisman moved to appoint Dan Holte to fill an unexpired term on the Lakes, Parks and Recreation Commission; seconded by Councilmember Rodgerson. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Historic Preservation Commission Appointment

City Manager Macomber announced that Councilmember Rodgerson would still like to serve on the Historic Preservation Commission.

Councilmember Chrisman moved to appoint Councilmember Rodgerson to serve on the Historic Preservation Commission; seconded by Councilmember Kuhns. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Second Reading

BILL NO. 2009-25 **ORDINANCE NO. 11872**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE
HEREIN FROM R-3 MULTIFAMILY RESIDENTIAL, TO CP-1 PLANNED LOCAL
BUSINESS, AND CHANGING THE ZONING MAP ACCORDINGLY.

WHEREAS, a verified petition was presented and signed by Agent Mike Labeth, on behalf of the Contract Purchaser, Andrew Farwell, for the real estate hereinafter described as on or about 713 and 801 N. Baltimore Street and legally described as:

A Tract of land Being all of Lot 1 and 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:

Beginning at the Southeast Corner of Lot 1 of said Geneva Heights Addition said point also being on the Westerly right of way of U.S. Highway 63: thence North 89 degrees 20 minutes 00 seconds West, a distance of 159.38 feet to a point on the North line of the CB&Q Railroad Company right of way: thence, along said North line, North 61 degrees 43 minutes 03 seconds West, a distance of 45.84 feet to the Southwest Corner of said Lot 1: thence North 00 degrees 40 minutes 00 seconds East, a distance of 71.75 feet to the Northwest Corner thereof: thence, along the North line of said Lot 1 South 89 degrees 20 minutes 00 seconds East, a distance of 40.00 feet: thence North 00 degrees 40 minutes 00 seconds East, a distance of 100.00 feet to a point on the North line of said Lot 2: thence South 89 degrees 20 minutes 00 seconds East, a distance of 160.00 feet to the Northeast Corner of said Lot 2 also being on the Westerly right of way of U.S. Highway 63: thence South 00 degrees 40 minutes 00 seconds West, a distance of 193.00 feet to the POINT of BEGINNING, EXCEPT THE NORTH 11 FEET OF LOT 2, said described tract containing 0.71 acre, more or less. Subject to restriction, covenants, conditions and easements of record if any; and

WHEREAS, Petitioner has petitioned for the rezoning of the above described real estate from R-3 Multi Family Residential, under Chapter 25, Article IX of the Code of the City of Kirksville, to CP-1 Planned Local Business, under Chapter 25, Article XV and Article I, Sec. 25-5 of said Code and the changing of the "Zoning District Map" as set forth under Article I of Chapter 25 of said Code in accordance therewith; and

WHEREAS, the aforesaid petition was duly referred to the Planning and Zoning Commission of the City of Kirksville, Missouri, for a public hearing and recommendation; and

WHEREAS, the public hearing was held by the said Planning and Zoning Commission on April 8, 2009, and after hearing thereon, it is the recommendation of said Commission to this City Council that the rezoning sought in the preceding paragraph be allowed; and

WHEREAS, notice of said public hearing was given by publication of notice thereof in the Kirksville Daily Express, a daily newspaper of general circulation in Adair County, Missouri; and

WHEREAS, at said public hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no person spoke in opposition to the rezoning at the said public hearing on April 8, 2009, and no written comments have been received by the City of Kirksville on said rezoning; and

WHEREAS, development plans were submitted, reviewed and conditionally approved by said Commission; and

WHEREAS, the zoning change would allow for Andrew Farwell to construct new professional office buildings on the tract and relocate his professional business; and

WHEREAS, said plan is incorporated by reference into this ordinance and subject to the following conditions:

1. Detailed architectural/engineering plans and specifications be submitted to City Codes, Engineering, and Fire Departments for their approval addressing the following:
 - a. Updated and Final Site Plan
 - b. Stormwater management and building plans
 - c. Landscaping, parking and advertising signage plans; and

WHEREAS, after due hearing, it is the finding of this Council that the greatest benefit can be derived for the City of Kirksville and the inhabitants thereof by granting of the above stated Petition to rezone, and the rezoning sought herein would not be detrimental or hazardous to the adjoining property owners or the inhabitants of the City of Kirksville, Missouri, as a whole but would in fact enhance the orderly development of said property; and

WHEREAS, it is the finding of this Council that all requirements of the Code of the City of Kirksville for the rezoning of the above real estate from R-3 Multi Family Residential to CP-1 Planned Local Business zoning has been met by Petitioner;

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 District

R-3 Multi Family Residential, to CP-1 Planned Local Business, 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. 2009-26 **ORDINANCE NO. 11873**
AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING MOTOR VEHICLES AND TRAFFIC; AND REPEALING SECTION 436 OF CHAPTER 15.

WHEREAS, enforcement issues/questions arise, on a regular basis, that result in a review of portions of the current City of Kirksville Code of Ordinances; and

WHEREAS, that review will periodically identify changes that need to be made in the current City of Kirksville Code of Ordinances; and

WHEREAS, the proposed changes are recommended to more efficiently bring the written code into compliance with recommendations to resolve identified problems, made by the Police Department.

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

- I. Chapter 15, section 1 (definitions) will be modified to:

Add *Truck-tractor* shall mean a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.

Local commercial motor vehicle shall mean a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty (50) miles there from, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm.

- II. Chapter 15 Section 43 shall be modified to:

Add as a new entry *Harrison Street*, on the north side, the first parking space east of Franklin, one (1) space.

- III. Chapter 15 Section 345 shall be modified to:

Add *Novinger Street*, west side, from the north curb of eastbound Emmett Street to the south curb of westbound Emmett Street.

Add *Emmett Street* eastbound, north side, from the west curb of Novinger to Lincoln.

- IV. Chapter 15, Section 347 (a) will be modified to:

Add "...construction vehicle, *truck-tractor and/or semi trailer excluding local commercial motor vehicle*, or similar type vehicle...."

- V. Chapter 15 Section 435 shall be modified to:

Add *Cottage Grove* and *Patterson Street*.

- VI. Chapter 15 Section 436 shall be repealed, and declared null and void and of no affect.

Strike/delete in total ~~Chapter 15 Section 436.~~

- VII. Effective Date

All of the modifications to this ordinance shall be effective from and after its date of passage.

VIII. Incorporation into the City of Kirksville Code of Ordinances

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.

Councilmember Kuhns moved to adopt Bill No. 2009-25 and 2009-26 on second reading; seconded by Councilmember Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye. 5 Ayes; 0 Nays.

Comments

Mayor Rowe complimented the new Skate Park that was dedicated last Sunday.

Adjournment

Councilmember Chrisman moved to adjourn to an Executive Session regarding a Legal Matter, RsMO 610.021(1); seconded by Councilmember Rodgerson. The City Clerk gave the Roll Call vote, and the motion carried by the following vote: Councilmembers: Chrisman – aye; Detweiler – aye; Kuhns – aye; Rodgerson – aye; Mayor Rowe, aye. 5 Ayes; 0 Nays.

Mayor Rowe adjourned the meeting at 7:38 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk