

**COUNCIL & STAFF PRESENT:**

Martha Rowe	Mayor
Richard L. Detweiler	Council member
Todd Kuhns	Council member
Jill McCord	Council member
Aaron Rodgerson	Council member
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Steve Bell	Community Services Director
John Buckwalter	Public Works Director
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, June 16, 2008, at 5:30 p.m. in the City Hall Council Chambers.

**INVOCATION/PLEDGE**

The First United Methodist Church was represented and gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

**MINUTES**

Council member Kuhns moved to approve the Council Regular Session minutes of June 2, 2008; seconded by Council member Rodgerson. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**ORDER OF AGENDA**

Council member Rodgerson moved to amend the Order of the Agenda; seconded by Council member McCord. Item No. 9 be removed – consumption and/or sale of beer and wine at North Park, Rotary Park Amphitheater and Airport in addition to the downtown district, and direct staff to prepare an Ordinance to implement the policy. Replace Item No. 9 with: A motion to execute an agreement for a grant for the Police Department.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**INFORMATION PRESENTATION**

Mayor Rowe opened the public hearing at 5:34 p.m. to discuss the CDBG Housing Rehab Closeout.

Mari Macomber reported the City received a Housing Block Grant in 2000 to rehabilitate 36 homes. The number has changed over the years. The grant was intended to extend Burton Street, but a decision was made not to do that, but to make improvements to Quincy Street. Some infrastructure improvements were also made. A public hearing was held at the beginning of the grant, and this one is required to close out the grant. The Council asked that a list of the houses which were rehabilitated be provided to them.

There being no further comments, Mayor Rowe closed the public hearing at 5:40 p.m.

**CITIZEN PARTICIPATION**

James Guffey, 1605 East Normal, stated that he has coached ballgames at North Park. He told the Council it seems reasonable not to have beer sales at the park.

**ACTION PRESENTATIONS**

**BILL NO. 2008-24**

**RESOLUTION NO. R6-16-564**

**A RESOLUTION RECOGNIZING LINDA BROWN, COMMUNICATIONS OPERATOR, UPON HER RETIREMENT FOR 7 YEARS AND 11 MONTHS OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, the City of Kirksville is desirous of recognizing employees, and

WHEREAS, Linda Brown has worked for the City of Kirksville and E911 Emergency Services since July 26, 2000, and

WHEREAS, Linda's performance of her duties and responsibilities, and her working relationships were always characterized by an obvious dedication to getting the job well done; and

WHEREAS, Linda's dedicated interest and devotion to duty have had a valuable effect of efficiency and morale to her department and the City; and

WHEREAS, Linda is retiring on June 30, 2008, after serving the City of Kirksville and its citizens for 7 years and 11 months.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to Linda for her years of service, and we wish her success in all future endeavors.

Council member McCord moved to approve a Resolution recognizing Linda Brown upon her retirement; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

Mayor Rowe read and presented the framed Resolution to Linda Brown.

**BILL NO. 2008-25**

**RESOLUTION NO. R6-16-565**

**A RESOLUTION AMENDING THE AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM WITH REGARD TO REALLOCATING FUNDS FROM PROPERTY CLEARANCE/DEMOLITION TO ASBESTOS REMOVAL.**

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;” and

WHEREAS, The Missouri Department of Economic Development awarded a Community Development Block Grant to the City under Title I; and

WHEREAS, The City had an area of need and wants to continue to provide assistance 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 execute the grant amendment pursuant to the aforementioned act.

Council member Detweiler moved to approve a resolution authorizing a grant amendment establishing funds for asbestos removal as part of the CDBG Neighborhood Development Grant; seconded by Council member Kuhns.

Mari Macomber explained this amendment will reimburse the City’s housing rehabilitation account by \$7,550 more. Asbestos removal was required at a couple of demolition properties.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**BILL NO. 2008-26**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER 11, ARTICLE IV, OF THE KIRKSVILLE CITY CODE CONCERNING SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES**

Council member Rodgerson moved to approve Bill No. 2008-26 on first reading; seconded by Council member Kuhns.

City Manager Macomber reported the Council has discussed trash service, spring cleanup and bulk pickup. In 2005, terms of the agreement were renegotiated with the intention of an increase of 50 cents per month for each residential customer, but this charge was never included in the City Code. Another change was a franchise fee of two percent to increase to three percent. Therefore, this amendment implements those changes earlier approved into the City Code. The rate change will be effective July 1, 2008.

Mrs. Macomber will be meeting with Veolia to talk about the fuel surcharge.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**BILL NO. 2008-27**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING ORDINANCE NO. 11700, OF APPENDIX C, ARTICLE XI. SERVICE, OPERATION AND MAINTENANCE. SECTION 4. ADDITIONAL SERVICES**

Council member Rodgerson moved to adopt Bill No. 2008-27 on first reading; seconded by Council member Detweiler.

Mari Macomber reported that when franchise negotiations were made with Cable One in 2005, free internet service for city operations was requested, but was rejected. The Cable Company's contract says the internet service was not to be free, but the City's ordinance reflected the free service. This amendment deletes the wording for free service. The City has been paying the monthly internet service fee.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Water Tower Agreement w/Commnet**

Council member Rodgerson moved to approve an amendment to a water tower agreement between the City and Commnet Illinois (AT & T); seconded by Council member Kuhns.

City Manager Macomber explained that the City has agreements with five entites to place antennas on our water tower. The City receives a little over \$19,000 annually to rent the tower. Commnet leases space on the downtown water tower and the Shepherd Avenue water tower. They are requesting additional space on the Shepherd Avenue tower on which to place equipment, therefore requiring an amendment to the agreement .

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Oats/Kirk Tran Services Agreement**

Council member Rodgerson moved to authorize the City Manager to enter into an agreement with Oats for Kirk Tran public transportation services from July 1, 2008 through June 30, 2009; seconded by Council member McCord.

Mari Macomber reported the City has contracted with Oats since approximately 2001 after a grant was received to help establish Kirk Tran. Council consensus to invite the Kirk Tran Advisory Board to a future Study Session to provide a report on Kirk Tran.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Airport Hangar Building Sale to NEED**

Council member Rodgerson moved to approve the sale of the 80' x 80' hangar building owned by the City to the Northeast Economic Development, Inc. (NEED); seconded by Councilmember Kuhns.

City Manager Macomber explained that the City has this building available. NEED presented this building as part of their proposal to HIT of California, who will be establishing a DNA laboratory in Kirksville. NEED will purchase the hangar for \$109,356, and they will lease the land from the City.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Airport Land Lease with NEED**

Council member Rodgerson moved to approve an airport lease with Northeast Economic Development Incorporated (NEED); seconded by Council member Kuhns.

The lease term is for 20 years with a 10-year option to renew, and an annual fee of \$1,000. The City may increase the annual lease fee by ten percent, beginning with the sixth year.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Internet Crimes Against Children Grant Agreement**

Council member McCord moved to authorize the City Manager to execute an agreement with the State of Missouri Department of Public Safety for the purpose of securing a grant for Internet Crimes against Children; seconded by Council member Rodgerson.

Police Chief Jim Hughes explained that the Department has applied for this grant three years. This year's grant includes funds for one full-time investigator, in addition to equipment and overtime.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Skate Park Grant Agreement**

Council member Rodgerson moved to authorize the Mayor to sign an agreement with the Tony Hawk Foundation to accept a \$15,000 grant for construction of a skate park; seconded by Council member Detweiler.

Steve Bell reported another company will be matching the \$15,000 grant amount.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Concrete Pavement Repair Bids**

Council member Detweiler moved to enter an agreement with Mihalevich Concrete Construction for concrete pavement repair and curb and gutter work in the amount of \$214,689.75; seconded by Council member McCord.

John Buckwalter reported that three bids were opened on June 10. The bid of \$214,689.75 represents a 10% increase over last year.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Asphalt Resurfacing Bids**

Council member Kuhns moved to authorize the City Manager to enter into an agreement with W.L. Miller Company for Street Resurfacing in the amount of \$424,343.46; seconded by Council member Detweiler.

John Buckwalter reported that only one bid was received for the bid opening on June 10. W.L. Miller bid a 38% increase over last year’s costs at \$502,139.30.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Liquor License Renewals**

Council member McCord moved to approve renewal of liquor licenses for the merchants holding said licenses (per the attached) for the annual period commencing July 1, 2008; seconded by Council member Kuhns.

This is the second portion of renewals required to be submitted by July 1.

Council member Rodgerson stated that statistics reflect a high number of police officers killed due to liquor/drunk drivers. He cannot in good conscience empower the people who provide liquor to those who kill the officers.

The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – nay. Ayes – 4;Nays - 1.

**Second Reading**

**BILL NO. 2008-26**

**ORDINANCE NO. 11839**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI AMENDING AND REPEALING CERTAIN SECTIONS OF CHAPTER 11, ARTICLE IV, OF THE KIRKSVILLE CITY CODE CONCERNING SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES**

WHEREAS, the City of Kirksville and Onyx Wastemanagement System entered into an agreement in February 2005; and

WHEREAS, the Contract amendments were not reflected in Chapter 11, Section IV Solid Waste and Recyclable Material Collection, Transportation and Disposal Services of the Code of Ordinances of the City of Kirksville; and

WHEREAS, appropriate changes were not implemented by the City to accurately reflect the terms and conditions of the current agreement.

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

Section 1. That Chapter 11, Article IV, of the Code of Ordinances of the City of Kirksville, Missouri, be amended and repealed as reflected in the attached contracts. Said contract has

been approved by the Kirksville City Council at the City Council meeting of February 1, 2005, and made part of this ordinance.

Section 2. The attached contract reflects amendments and repeals with strikeout notations for deletions, and bold italic type for new wording.

Section 3. 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 number system of the Code.

Section 4. This ordinance shall be in full force and effect beginning July 1, 2008.

**BILL NO. 2008-27** **ORDINANCE NO. 11840**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING ORDINANCE NO. 11700, OF APPENDIX C, ARTICLE XI. SERVICE, OPERATION AND MAINTENANCE. SECTION 4. ADDITIONAL SERVICES**

WHEREAS, the Kirksville City Council adopted Ordinance No. 11700, at their regular meeting of February 28, 2005, regarding a cable television franchise; and

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

Section 1. That Ordinance No. 11700, Appendix C- Franchises, Article IX Section 4 of the Code of Ordinances of the City of Kirksville, Missouri, be amended by deleting the following:

*The franchises shall also provide, without installation charge or monthly charge, the franchisee's cable modem Internet service with space for up to one hundred forty (140) email accounts.*

Section 2. This Ordinance will become effective on its passage in conformance with Ordinance No. 11700.

Section 3. The provisions of this ordinance, shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Council member Kuhns moved to adopt Bill No. 2008-26 and 2008-27 on second reading; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – aye; McCord – aye; Rodgerson – aye. Nays - 0.

**Comments**

Comments were made regarding the Alternate Route 63 public hearing where there were two other options offered. Mari Macomber said MoDOT said the red on the map indicated the Bypass/original route. Route P was not part of the public hearing.

**Adjournment to Executive Session**

There being no further business to come before the Council, Council member Rodgerson moved to adjourn to an Executive Session regarding a Personnel Matter, RsMO 610.021(3); seconded by Councilmember McCord. The motion carried by the following roll call vote given by City Clerk Vickie Brumbaugh: Council members: Rodgerson – aye; McCord – aye; Kuhns – aye; Detweiler – aye; Mayor Rowe, aye. Nays - 0.

Mayor Rowe adjourned the meeting at 6:55 p.m.

Vickie Brumbaugh, CMC, MRCC  
City Clerk