

**COUNCIL & STAFF PRESENT:**

Aaron Rodgerson	Council member
Todd Kuhns	Council member
Richard L. Detweiler	Council member
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Cherie Bryant	Assistant to the City Manager
Laura Guy	Finance Director
Jim Hughes	Police Chief
Brad Selby	Codes Administrator

Absent: Martha Rowe	Mayor
Jill McCord	Council member

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, August 4, 2008, at 5:30 p.m. in the City Hall Council Chambers.

City Clerk Vickie Brumbaugh announced that in the absence of the Mayor and Mayor Pro Tem, according to State Statute 78.560.4 – the other members of the City Council shall select one of their number to perform the duties of Mayor. The consensus of the Council was to select Aaron Rodgerson to preside over the meeting.

**INVOCATION/PLEDGE**

Council Member Aaron Rodgerson gave the Invocation. The Council led the Pledge of Allegiance.

**MINUTES**

Council member Kuhns moved to approve the minutes of the regular session of July 21, 2008; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**ORDER OF AGENDA**

Council member Kuhns moved to approve the order of the agenda; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**INFORMATION PRESENTATION**

***Audit Report***

Laura Guy introduced Heidi Chick of Williams-Keepers who presented the Audit as a clean opinion report. She added that inventory control, payroll changes, accounting policy and procedure manual will be strengthened with new software.

## **Public Hearing**

Council member Rodgerson (Presiding Officer) opened the Public Hearing at 5:53 p.m.

Brad Selby reported the public hearing is to hear a request to rescind a Special Use Permit that was issued to 1318 East Normal Street in November of 2000 for the Brashear Bed and Breakfast. There were two stipulations with the approval of the use permit – one of which was the driveway and parking area be hard surfaced within five years. It is now seven and one-half years, almost eight, and the work has not been done. City staff is asking that 25% of the parking surface be done by August 29, and if not done, that the owner's special use permit be rescinded.

Tiffany Platte, 1318 East Normal, (owner of B & B) said the cost to surface her driveway is costly. The cheapest price she obtained was \$3.50 per square foot. It has not been feasible. She thought that if there were no complaints, then everything was OK. She had one person lined up to do the work, but he could not get his permit. Ms. Platte said she did not have anything written about the two stipulations. She has talked to the neighbors and they do not have any problem with not paving the driveway.

Mari Macomber said the City had asked that 25% of the driveway be surfaced by August 29, 2008. The driveway runs from Normal to Highland. Guests use the Normal Street entrance, and the service people could be using the Highland entrance.

Aaron Rodgerson commented this is a business that required a hard surface driveway, and the owner was given seven and one-half years to do the work which could have been done in increments over that period of time.

Ms. Platte said she thought as long as there were no complaints, that everything was OK.

Steve Seegmiller, 1314 East Normal, said they are neighbors to the Bed and Breakfast. If there had been any complaints, they would have complained by now. Their driveway is also gravel. Tiffany keeps the driveway bladed, weed free, and the visitors do not generate dust. He visits with some of the clients, and have never heard any complaints about parking on gravel.

Mari Macomber stated that the stipulations would have been discussed openly in the meeting of 2000. There were citizens present at that meeting who were concerned with the dust from the gravel. The special use permit was granted to allow time to make it hard surface. A hard surface parking and driveway is required for a business.

Tiffany Platte commented there is not a lot of room for parking. Brad Selby said that they could work that out.

There being no further comments, Council member Rodgerson (Presiding Officer) closed the public hearing at 5:25 p.m.

## **CITIZEN PARTICIPATION**

None.

**ACTION PRESENTATIONS**

**BILL NO. 2008-30**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO RESCIND THE SPECIAL USE PERMIT APPROVED UNDER ORDINANCE #11478 ON NOVEMBER 20, 2000, TO 1318 E. NORMAL STREET, FOR A BED AND BREAKFAST BUSINESS, IF 25% OF THE DRIVEWAY AND PARKING AREA IS NOT HARD SURFACED BY AUGUST 29, 2008.**

WHEREAS, Tiffany Platte, sole owner of 1318 E. Normal Street applied for and was given a Special Use Permit for the operation of a Bed and Breakfast business at 1318 E. Normal Street on November 20, 2000, with two stipulations, and

WHEREAS, one of the stipulations for the Special Use Permit was that the driveway and parking areas be hard surfaced within 5 years, and

WHEREAS, these *hard surface parking improvements have not been done by the owner, even though 7 ½ years time has elapsed, and*

WHEREAS, a Public Hearing was duly advertised and held at the City Council meeting in City Hall on August 4, 2008, to hear the matter of rescinding the Special Use Permit,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kirksville, Missouri, hereby authorizes the rescinding of the Special Use Permit for 1318 E. Normal street, if the Codes & Planning Director determines on August 29, 2008, that 25% of the hard surfacing of the parking and driveway areas is not complete.

Council member Detweiler moved to approve Bill No. 2008-30; seconded by Council member Kuhns.

Council member Detweiler moved to table Bill No. 2008-30 until September 15; seconded by Council member Kuhns. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

The Council advised Tiffany Platte that she could speak to the Council, under Citizen Participation, at their August 18th Council meeting.

**BILL NO. 2008-31**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

Council member Detweiler moved to adopt Bill No. 2008-31 on first reading; seconded by Council member Kuhns. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND THE DIRECTION OF TRAFFIC OF MOTOR VEHICLES ON FRANKLIN STREET.**

Council member Kuhns moved to adopt Bill No. 2008-32 on first reading; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**Server Purchase**

Council member Kuhns moved to approve the expenditure of funds to purchase a new server that will allow for more efficient use of Springbrook Software at all City buildings; seconded by Council member Detweiler.

City Manager Macomber said new legislation this year requires new expenditures are to be brought to the Council by motion, resolution or ordinance if it is not in the budget.

Cherie Bryant explained that Springbrook started being used in February of 2008 by all City employees. Only City Hall employees have been able to efficiently use the software. Poor connectivity has prevented the other city facilities - Public Works, Airport, Fire and Aquatic Center – from adequately using Springbrook. A server would take care of the problem, and a quote of \$3,682.00 has been obtained. This was not budgeted, and the funds would be taken out of 10-06-721, Information Systems.

Mari Macomber said that Computerland had talked to Springbrook, and the server will take care of the distance problem.

The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**Committee/Board Re-appointments**

Council member Detweiler moved to re-appoint Ron Winkler, Leon Devlin and Dr. Robert Baer to another three-year term on the Telecommunications Commission; and re-appoint Pam Windtberg to the Housing Authority Board for a four-year term. Council member Kuhns seconded the motion; and the motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**Second Reading**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:

Section 1. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest. The Mayor or any members of the City Council, who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision, and

B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

C. The City Manager also shall disclose by May 1 for the previous calendar year the following information:

I. The name and address of each of the employers of such person from who income of one thousand dollars or more was received during the year covered by the statement.

II. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

III. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports shall be filed with the City Clerk and with the Missouri Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year.

A. Each person appointed to office shall file the statement within thirty days of such appointment or employment.

B. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. When this ordinance is adopted, the City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption and prior to September 15, 2008.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

**BILL NO. 2008-32**

**ORDINANCE NO. 11842**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND THE DIRECTION OF TRAFFIC OF MOTOR VEHICLES ON FRANKLIN STREET.**

WHEREAS, a completed City construction project required a change in the parking regulations on Franklin Street, from Normal to Jefferson, and the associated written code contained in section 15-345; and

WHEREAS, the recommended changes would bring the newly constructed Franklin Street project into compliance with planned parking requirements.

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

I. Chapter 15, Section-345 of the code is amended as follows:

Add as a new entry: Franklin Street, east side, Normal to Jefferson, except as otherwise posted/exempted.

II. Effective Date

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

III. 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.

Council member Kuhns moved to adopt Bill No. 2008-31 and 2008-32 on second reading; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

**Comments**

City Manager Macomber commented that water test results at Thousand Hills lake came back and DNR gave the go ahead to re-open the beach at Thousand Hills on Saturday.

**Adjournment**

Council member Kuhns moved to adjourn; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, absent; Council members: Detweiler – aye; Kuhns – aye; McCord – absent; Rodgerson – aye. 3 Ayes; 0 Nays; 2 Absent.

Council member Rodgerson (Presiding Officer) adjourned the meeting at 6:45 p.m.

Vickie Brumbaugh, CMC, MRCC  
City Clerk