

COUNCIL & STAFF PRESENT:

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|----------------------|-------------------------------|
| Martha Rowe | Mayor |
| Jill McCord | Council member |
| Aaron Rodgerson | Council member |
| Richard L. Detweiler | Council member |
| Howard Hickman | City Attorney |
| Mari E. Macomber | City Manager |
| Vickie Brumbaugh | City Clerk |
| Steve Bell | Community Services Director |
| Cherie Bryant | Assistant to the City Manager |
| John Buckwalter | Public Works Director |
| Laura Guy | Finance Director |
| Pat Meredith | Human Resources Director |
| Brad Selby | Codes Administrator |

ABSENT: Todd Kuhns Council member

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, October 20, 2008, at 5:30 p.m. in the City Hall Council Chambers.

INVOCATION/PLEDGE

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

MINUTES

Council member McCord moved to approve the minutes of the regular session of October 6, 2008; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – absent; McCord – aye; Rodgerson – aye. 4 Ayes; 0 Nays; 1 Absent.

ORDER OF AGENDA

Council member Rodgerson moved to approve the Order of the Agenda; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – absent; McCord – aye; Rodgerson – aye. 4 Ayes; 0 Nays; 1 Absent.

INFORMATION PRESENTATION & PUBLIC HEARING

None.

CITIZEN PARTICIPATION

Jim Allen, 1716 East McPherson, owns property on the south side of Hazel Creek Lake, stated that he has had trouble with hunters coming through city property, and they also come around in a boat on the backside to hunt. He has put up signs and the hunters tear them down. Hunters also cut through the city’s fence. Mr. Allen talked to Mari Macomber and the Chief of Police last week. The strip of land is 400 ft wide between the lake and his property. The hunters set on city property and hunt. Mr. Allen asked the Council to remove hunting on city property.

ACTION PRESENTATIONS

BILL NO. 2008-37

RESOLUTION NO. R10-20-572

A RESOLUTION ADOPTING AN IDENTITY THEFT PROGRAM AS APPLICABLE TO THE CITY OF KIRKSVILLE'S MUNICIPAL UTILITY OPERATIONS.

WHEREAS, the Federal Trade Commission has issued regulations known as the "Red Flag" Rules created from the Fair and Accurate Credit Transactions Act of 2003 (FACTA); and

WHEREAS, these rules require municipal utilities, as a creditor, to implement an identity theft program and policy with an effective date of no later than November 1, 2008; and

WHEREAS, the City of Kirksville has developed an Identity Theft Prevention Program and applicable internal policies to be in compliance with this "Red Flag" rule; and

WHEREAS, this program is determined to be in the best interest of the City of Kirksville and its citizens in order to deter identity theft.

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

That the City Council of the City of Kirksville, Missouri, does hereby adopt the Identity Theft Prevention Program, as presented, with the knowledge that it will undergo periodic review and be revised as becomes necessary.

Council member Rodgerson moved to approve Bill No. 2008-37; seconded by Council member Detweiler.

Laura Guy explained that the City's Utilities are consider creditors under the Fair and Accurate Credit Transactions Act of 2003. All creditors have to have rules and policies in place by November 1, 2008. The Missouri Municipal League has provided a model that covers new accounts and existing accounts. The Finance Department already had a good system for checking ID's for new accounts. The policy will be followed strictly to avoid any law suits.

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

BILL NO.2008-38

RESOLUTION NO. R10-20-573

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 THE DEOBLIGATION OF FUNDS.

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 de-obligate funds totaling \$51,771.16 pursuant to the aforementioned act.

Council member Detweiler moved to approve Bill No. 2008-38; seconded by Council member Rodgerson.

Cherie Bryant reported the City was awarded \$534,000 in CDBG funds for housing rehabilitation, property clearance/demolition and asbestos removal in 2000. A total of \$482,228 was spent. To close out the grant, a de-obligation of the remaining funds is necessary so the State can obligate those funds to another eligible project.

Council member Detweiler moved to approve Bill No. 2008-38; seconded by Council member Rodgerson. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – absent; McCord – aye; Rodgerson – aye. 4 Ayes; 0 Nays; 1 Absent.

BILL NO. 2008-39

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF STILL'S ADDITION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 1412 S. BAIRD STREET.

Council member McCord moved to adopt Bill No. 2008-39 on first reading; seconded by Council member Rodgerson.

Brad Selby described the lots as 36 feet wide, very small, and the owner plans to split the center lot down the middle and each half would be added to each outside lot. The lots are owned by C3 Ventures, and this lot split will provide for development use. City staff recommends approval of the lot split request.

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

BILL NO. 2008-40

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF MIHALEVICH ADDITION AND LAND WHICH IS PART OF ROAD RUNNER ADDITION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 508 W. POTTER AVENUE.

Council member Rodgerson moved to adopt Bill No. 2008-40 on first reading; seconded by Council member Detweiler.

Brad Selby explained the lot split will create a third tract of land, owned by B & S Contractors. In 2005, B & S Contractors bought a .5 acre lot from the Adair County Ambulance District. B & S built a building on part of the lot. The Ambulance District wishes to buy back part of the former lot and a section of the adjoining lot that encompasses the new building. A variance is also required since the lot being sold is not the same size lot that was purchased by B & S. City staff recommends approval of the lot split request.

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

BILL NO. 2008-41

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.

Council member Rodgerson moved to adopt Bill No. 2008-41 on first reading; seconded by Council member McCord.

Mari Macomber reported that MoDOT will pay a significant portion of the project cost. An agreement is needed for the reimbursement of costs to remove the overhead lights at the Airport.

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

Variance – Sidewalk at The Villages Subdivision

Brad Selby reported a sidewalk was required to be installed on the east side of St. Andrews Street within five years of the acceptance of the street in the Villages Subdivision, the due date being October 20, 2008. Dave Petre has requested a variance to remove the sidewalk requirements. A public hearing was held at the Planning and Zoning Commission meeting of October 8, 2008, and the Commission voted to allow a variance from the original sidewalk requirements. The variance allows the sidewalk to be delayed until each lot is developed. The sidewalk would be required within one year after a final occupancy permit is issued for a structure built on the lot. City staff supports the P & Z Commission's recommendation.

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

Variance – Combine Land to Adjoining Lot

Council member Rodgerson moved to approve a variance for property located at 508 West Potter currently owned by B & S Contractors; seconded by Council member McCord.

Brad Selby had earlier explained in the meeting that the variance is required because the lot being sold to the Ambulance District is not the exact same lot purchased by B & S Contractors. No variance would be required if they were selling back the exact same size lot.

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

North Park Master Plan

Council member Rodgerson moved to approve the North Park Master Plan as submitted by the Lakes, Parks and Recreation Commission; seconded by Council member McCord.

Steve Bell reported the Master Plan proposes two soccer fields, restrooms, a shelter, pond, skateboard park, future development for indoor recreation area including tennis courts, soccer and four outdoor tennis courts, concession. A walking trail/sidewalk would be a great addition, but is not included at this time,

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

Mold Remediation Services

Council member Detweiler moved to approve the purchase of mold remediation services for evaluation of mold in the Police and Fire Department buildings; seconded by Council member Rodgerson.

Brad Selby reported that when the ten-inch rainfall was received in July, the Fire Department's carpet got wet, and the sheetrock wall was soaked. The Police Department basement area was also flooded by the rain waters. FEMA will reimburse the City an approximate range of 60 – 75% of our expense. FEMA may reimburse a portion of the cost to stop the leaking in the basement of the Police Department. There are no funds in the budget to do this work.

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

Change Order – Basin C & F

Council member Rodgerson moved to approve a change order to the agreement with Stoneburner Construction Company for Basin C and F sanitary sewer improvements, to add replacement of sanitary and storm sewer manholes, and to add 32 calendar days to the allowed time to complete the project.

John Buckwalter explained that the work to be performed is under a manhole; the line cannot be repaired without removing and replacing the storm drain and the sewer manhole, at a cost of \$18,363.89. The contractor has asked for an additional 32 work days due to the rainy weather we had in July and August. This will make the completion date on December 28, 2008.

Mari Macomber stated that this is a SRF project which we are expected to complete by the end of the year, and would therefore meet the deadline.

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

Symantec AntiVirus Renewal

Council member McCord moved to approve the expenditure of a one year renewal of Symantec AntiVirus for all city workstations; seconded by Council member Detweiler.

Cherie Bryant reported the renewal cost is \$1,969.50. This is one of three renewals, the first one being Cisco already approved by the Council, and the last one will be brought to the Council in December for backup support at a cost of \$560.

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

Second Reading

BILL NO. 2008-39

ORDINANCE NO. 11844

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF STILL’S ADDITION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 1412 S. BAIRD STREET.

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

WHEREAS, a tract of land located on or near 1412 S. Baird street within the City of Kirksville, Missouri, known as Lot 5 of Block Fourteen, Still’s Addition is proposed to be evenly split, and each 18 foot by 125 foot piece be combined with it’s adjacent Lot 4 and Lot 6, described herein, and is incorporated herein by reference, and has been regularly certified by Edward A. Cleaver, licensed surveyor number L.S. 1241; and

WHEREAS, the tracts of land are described as follows:

Tract 1: All of Lot Four and the North Half of Lot 5, Block Fourteen, Still’s Addition to Kirksville, Adair County, Missouri.

Tract 2: All of Lot Six and the South Half of Lot 5, Block Fourteen, Still’s Addition to Kirksville, Adair County, Missouri; and

WHEREAS, the “Plat” showing the lot splits 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 the tract of land located in or near 1412 S. Baird 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.

BILL NO. 2008-40

ORDINANCE NO. 11845

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT OF LAND WHICH IS PART OF MIHALEVICH ADDITION AND LAND WHICH IS PART OF

ROAD RUNNER ADDITION TO THE CITY OF KIRKSVILLE, ADAIR COUNTY, STATE OF MISSOURI, WHICH IS ON OR NEAR 508 W. POTTER AVENUE.

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

WHEREAS, parts of two tracts of land located on or near 508 W. Potter street within the City of Kirksville, Missouri, is proposed to be subdivided into a third tract of land, described herein, and is incorporated herein by reference, and has been regularly certified by Edward A. Cleaver, licensed surveyor number L.S. 1241; and

WHEREAS, the plat of land is described as follows:

A tract of land situated in the Mihalevich Addition and Road Runner Addition to the City of Kirksville, Adair County, Missouri and being more particularly described as follows:

Beginning at the Southwest corner of said Road Runner Addition; thence along the North line of Potter Avenue (formerly Route 6), North 71 Degrees 13 Minutes 40 Seconds West a distance of 70.00 feet; thence leaving said North line of Potter Avenue, North 03 Degrees 44 Minutes 47 Seconds East a distance of 240.38 feet; thence South 85 Degrees 06 Minutes 23 Seconds East a distance of 113.70 feet; thence South 04 Degrees 42 Minutes 11 Seconds West a distance of 96.93 feet; thence North 85 Degrees 21 Minutes 38 Seconds West a distance of 43.65 feet; thence South 04 Degrees 02 Minutes 11 Seconds West a distance of 160.00 feet to the Point of Beginning, containing .5 acres more or less. Subject to any and all easements of record; and

WHEREAS, B&S Contractors has agreed to do a lot combination of the remaining land of their original lots, and to file the same with the Adair County Recorders Office; and

WHEREAS, the "Plat" showing the lot splits 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 two tracts of land located in or near 508 W. Potter Avenue 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.

BILL NO. 2008-41 **ORDINANCE NO. 11846**
AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

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

WHEREAS, the City (Sponsor) has applied to the Commission for a grant of funds under §305.230 RSMo.; and

WHEREAS, the Commission has agreed to award funds available under §305.230 RSMo., in the amount not to exceed \$148,500.00 to the Sponsor with the understanding that the amount of local matching funds to be furnished by the Sponsor will be \$16,500.00. Such funds will be used for a project pursuant to an Agreement for the purposes generally described as: Utility relocation for obstruction removal, Kirksville Regional Airport.

NOW, THEREFORE, The Mayor is hereby authorized on behalf of the City of Kirksville to execute a contract between the City and the Missouri Highways and Transportation Commission providing for financial assistance for utility relocation for obstruction removal at the Kirksville Regional Airport.

Council member Rodgerson moved to adopt Bill No. 2008-39, 2008-40 and 2008-41 on second reading; seconded by Council member Detweiler. The motion carried by the following vote: Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – absent; McCord – aye; Rodgerson – aye. 4 Ayes; 0 Nays; 1 Absent.

Comments

None.

Adjournment

Council member Rodgerson moved to adjourn to an Executive Session regarding real estate RsMO 610.021(2) and Personnel RsMO 610.021(3); seconded by Council member Detweiler. The motion carried by the following roll call vote by the City Clerk: Council members: Rodgerson – aye; McCord – aye; Mayor Rowe, aye; Council members: Detweiler – aye; Kuhns – absent. 4 Ayes; 0 Nays; 1 - Absent.

Mayor Rowe adjourned the meeting at 6:25 p.m.

Vickie Brumbaugh, CMC, MRCC
City Clerk