

JOURNAL OF THE CITY COUNCIL

Regular Session – February 4, 2013

COUNCIL & STAFF PRESENT:

Richard Detweiler	Mayor
Roger A. Edge	Councilmember
Jerry Mills	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Sarah Halstead	Community Services Coordinator
Jim Hughes	Police Chief
Ed leans	City Engineer
Katie Myers	Finance Director
Melanie Smith	Assistant to City Manager

Absent: Tony Fajkus Councilmember
 Robert L. Russell Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, February 4, 2013, at 6:03 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Reverend Robert Fredricks, First Assembly of God Church, gave the Invocation. Boy Scout Troop 404 led the Pledge of Allegiance.

MINUTES

Councilmember Mills moved to approve the minutes of the regular session of January 7 and Special Session of January 28, 2013; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell .

ORDER OF AGENDA

Councilmember Mills moved to approve the Order of the Agenda; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

INFORMATION PRESENTATION

None.

CITIZEN PARTICIPATION

Miles Kelly, Yarrow, addressed the City Council regarding the water bill responsibility on landlords. He said that it is unconstitutional. Mr. Kelly asked that he be refunded for what he has paid on the four or five water bills, and the cost to have water turned on.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2013-05

AN ORDINANCE REPEALING ORDINANCE NO. 11973, OF THE CITY OF KIRKSVILLE; AND ADOPTING AN ORDINANCE AMENDING CHAPTER 14, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, REAFFIRMING THE BUSINESS LICENSE TAX RATES CURRENTLY IMPOSED ON PUBLIC UTILITY CORPORATIONS CONDUCTING BUSINESS WITHIN THE CITY.

Councilmember Mills moved to approve Bill No. 2013-05 on first reading; seconded by Councilmember Edge.

Ordinance No. 11973 was approved in September 2011 to maintain the business license tax of 4.76%, but the ordinance was not prepared for codification in the City's Code. A new Ordinance maintains the license tax with the original effective date.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

BILL NO. 2013-06

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT AID AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR THE DESIGN AND CONSTRUCTION OF THE AIRPORT ENTRANCE ROAD OVERLAY AND SECURITY LIGHTING INSTALLATION AT THE KIRKSVILLE REGIONAL AIRPORT.

Councilmember Edge moved to approve Bill No. 2013-06 on first reading; seconded by Councilmember Mills.

The grant agreement will authorize 90% state funding for design, construction and construction observation of the Airport entrance road overlay and security lighting installation.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

BILL NO. 2013-07

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR TRANSPORTATION ENHANCEMENT FUNDS.

Councilmember Mills moved to approve Bill No. 2013-07 on first reading; seconded by Councilmember Edge.

The City recently received notice of a grant award of \$415,000 which requires a 20% match to fund a portion of the Franklin Street project Phase 2.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Jviation Agreement for Airport Parking Lot & Ramp Driveway

Councilmember Mills moved to authorize the Mayor to execute an agreement with Jviation for professional services associated with the repackaging of the terminal parking lot and ramp driveway to include Federal provisions and regulations; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Bid - Turbidimeters

Councilmember Mills moved to authorize the purchase of turbidimeters and controls from Hach Company; supporting pumps and pump drive from Cole-Parmer, Inc; and installation of all components by TH&N Inc for the Water Treatment Plant; seconded by Councilmember Edge.

The existing turbidity measuring system was installed in 1999, and repair parts are not available. The cost for a replacement is \$20,552, and \$20,000 was budgeted. Additional monies will be transferred from the operating funds.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

W.L. Miller Agreement for Airport Entrance Road Overlay

Councilmember Mills moved to authorize the City Manager to enter into an agreement with W.L. Miller in the amount of \$248,030 for the overlay of the airport entrance road and highway lighting; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Hazel Creek Lake Tournament Use

Councilmember Mills moved to approve a request for tournament use of Hazel Creek Lake on July 28, 2013; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Adair County Extension Council Re-appointment – Heather Darrah

Councilmember Mills moved to re-appoint Heather Darrah to the Adair County Extension Council for another two-year term. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Historic Preservation Commission Re-appointment – McLane-Iles & Miller

Councilmember Mills moved to re-appoint Betty McLane-Iles and Derek Miller to the Historic Preservation Commission for three-year terms. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Second Reading of Ordinances

BILL NO. 2013-05

ORDINANCE NO. 12041

AN ORDINANCE REPEALING ORDINANCE NO. 11973, OF THE CITY OF KIRKSVILLE; AND ADOPTING AN ORDINANCE AMENDING CHAPTER 14, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, REAFFIRMING THE BUSINESS LICENSE TAX RATES CURRENTLY IMPOSED ON PUBLIC UTILITY CORPORATIONS CONDUCTING BUSINESS WITHIN THE CITY.

WHEREAS, Ordinance No. 11973 was in full force and effective as of September 19, 2011 and this effective date shall remain as the original effective date.

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

Section 1. Chapter 14, Section 217, of the City Code of the City of Kirksville, Missouri shall be amended to read as follows:

Sec. 14-217. Tax levied.

(a) Every person engaged in the business of supplying electricity for compensation for any purpose in the city shall pay to the city as a license tax a sum equal to 4.76 percent of the gross revenue derived from such business, exclusive of sales to the municipality.

(b) Pursuant to RSMo Section 393.275, and any and other applicable authority, the City of Kirksville shall maintain the rates of its business license taxes on the gross receipts of public utility corporations without reduction notwithstanding any period fluctuations in the tariffs of such public utility corporation or any notice thereof including, but not limited to, notice sent under RSMo Section 393.275.

(c) Effective as of September 19, 2011.

BILL NO. 2013-06

ORDINANCE NO. 12042

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT AID AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR THE DESIGN AND CONSTRUCTION OF THE AIRPORT ENTRANCE ROAD OVERLAY AND SECURITY LIGHTING INSTALLATION AT THE KIRKSVILLE REGIONAL AIRPORT.

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

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Kirksville a contract with the Missouri Highways and Transportation Commission for the airport aid agreement, Project No. AIR 126-028A-1.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read two times, passed and approved on the 4TH day of February, 2013.

BILL NO. 2013-07

ORDINANCE NO. 12043

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR TRANSPORTATION ENHANCEMENT FUNDS.

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

Section 1. That the Mayor and City Manager are hereby authorized to execute on behalf of the City of Kirksville a contract with the Missouri Highways and Transportation Commission for Transportation Enhancement Funds to renovate Franklin Street between Normal Avenue and Patterson Street.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read two times, passed and approved on the 4th day of February 2013.

Councilmember Mills moved to approve Bill Nos. 12041, 12042 and 12043 on second reading; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Council Comments

There was discussion on a proposed amendment to the Business License ordinance. The Council was asked by the City Manager if they wish to make a change in the ordinance regarding a felony conviction within the last three years, instead of five years. The Council does not want a blanket felony conviction. City Attorney Hickman will meet with the City Manager and Finance Director to discuss the ordinance amendment further. A special Council meeting will be held prior to March 1 to consider a proposed amendment ordinance.

Adjournment

There being no further business to come before the Council, Councilmember Mills moved to adjourn to an executive session re: a real estate matter, RsMO 610.021(2);

seconded by Councilmember Edge. The City Clerk took a Roll Call vote and the motion carried: Ayes – Mayor Detweiler; Councilmembers Edge and Mills. Noes – 0. Absent: Fajkus and Russell.

Mayor Detweiler adjourned the meeting at 6:30 p.m. to an Executive Session.

Vickie Brumbaugh, CMC MRCC
City Clerk