

## **JOURNAL OF THE CITY COUNCIL**

*Regular Session – January 6, 2014*

### **COUNCIL & STAFF PRESENT:**

Richard Detweiler	Mayor
Roger A. Edge	Councilmember
Robert L. Russell	Councilmember
Glen Moritz	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
Angie Whisnant	Assistant City Manager
Alan Griffiths	Public Works Director
Jim Hughes	Police Chief
Lise Fuller	Finance Director
Rick Anderson	Interim Fire Chief
Glenn Balliew	Airport Director
Sarah Halstead	Community Services

ABSENT: Jerry Mills                      Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, January 6, 2014, at 6:00 p.m. in the City Hall Council Chambers.

### **INVOCATION and PLEDGE**

Reverend Aaron Rodgerson, of the Southside Baptist Church, gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

### **MINUTES**

Councilmember Edge moved to approve the minutes of the regular session of December 16, 2013; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

### **ORDER OF AGENDA**

Councilmember Edge moved to approve the Order of the Agenda; seconded by Councilmember Russell.

Mari Macomber asked that a Resolution be added as Item #8 to the agenda – A Resolution authorizing the City Manager to file applications with the Missouri Department of Natural Resources, State Revolving fund Program, for loans under the Federal Water Pollution Control Act, as amended.

Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

### **INFORMATION PRESENTATIONS & PUBLIC HEARING**

Mayor Detweiler opened the Public Hearing at 6:05 p.m. on Changes to Water and Wastewater User Fees.

The City reviews the user charge system for utilities on an annual basis. In order to participate in the State Revolving Loan Fund, the user charges must be set at a level to pay the costs of operation and maintenance; pay principal and interest on bonds; ensure that net operating revenues are equal or greater than 110% of debt service; and to provide sufficient reserves. An Ordinance is on tonight's agenda.

There being no further comments, Mayor Detweiler closed the meeting at 6:08 p.m.

### **CITIZEN PARTICIPATION**

None.

### **UNFINISHED BUSINESS**

None.

### **ACTION PRESENTATIONS**

#### **BILL NO. 2014-1**

#### **AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING THE CITY'S WATER AND SEWERAGE SYSTEMS.**

Councilmember Edge moved to approve Bill No. 2014-1 on first reading; seconded by Councilmember Moritz.

This Ordinance implements the rate structure and payment schedule. Bills will be due on the 20<sup>th</sup> of the month following the billing date. If the 20<sup>th</sup> falls on a Saturday, the bill will be due on the 19<sup>th</sup>; if the 20<sup>th</sup> falls on a Sunday, the bill will be due on the 21<sup>st</sup>; and if the 20<sup>th</sup> falls on a City observed holiday, then the bill is due on the next business day.

Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

#### **BILL NO. 2014-2**

#### **AN ORDINANCE AMENDING CHAPTER 3 – AIRPORTS, SECTIONS 3-26, 3-41 AND 3-42 REGARDING THE FEDERAL AVIATION ADMINISTRATION; AND AMENDING SECTION 3-44 REGARDING BILLING AND COLLECTION, OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI.**

Councilmember Edge moved to approve Bill No. 2014-2 on first reading; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

#### **BILL NO. 2014-3**

#### **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF KIRKSVILLE, MISSOURI TO APPLY AND ACCEPT FUNDS FOR THE TRAFFIC ENGINEERING**

**ASSISTANCE PROGRAM GRANT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR PARKING SUPPLY AND DEMAND ANALYSIS IN DOWNTOWN KIRKSVILLE AND THE AREA IMMEDIATELY SURROUNDING THE MAIN CAMPUS OF TRUMAN STATE UNIVERSITY; AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHAFER, KLINE AND WARREN, TO PROVIDE PROFESSIONAL SERVICES FOR SAID PROJECT.**

Councilmember Edge moved to approve Bill No. 2014-3 on first reading; seconded by Councilmember Russell.

This is a \$10,000 TEAP grant to fund a parking supply and demand analysis in downtown Kirksville, and possibly an area of the TSU main campus. Shafer, Kline and Warren were selected to complete the application and study. An application fee of \$250 is required with SKW.

Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**Jviation Agreement for Airport Runway and Taxiway Lighting Replacement**

Councilmember Edge moved to authorize the City Manager to enter into an agreement with Jviation for professional services involving engineering oversight/management of the Runway and Taxiway lighting replacement at the Airport; seconded by Councilmember Moritz.

This project was approved by the Council in November 2013. Jviation is the current airport consultant to provide engineering services at \$103,499.94.

Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**Bid - Snow Blower**

Councilmember Edge moved to approve the purchase of a snow blower from Fair Manufacturing, Inc of South Dokota; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**Medical/Dental Plan Private Plan**

Councilmember Edge moved to amend the City's medical/dental plan document to allow the City Manager, at her sole discretion, to determine whether it is in the best interest of the City Health/Dental Plan to offer a covered individual coverage under a private plan; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**Bid – Water Treatment Chemicals**

Councilmember Edge moved to approve the purchase of water treatment chemicals from various vendors; seconded by Councilmember Moritz. Motion carried: Ayes –

Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**BILL NO. 2014-4**

**RESOLUTION NO. R1-6-686**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE APPLICATIONS WITH THE ENVIRONMENTAL PROTECTION AGENCY, UNITED STATES OF AMERICA FOR A LOAN UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED; AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES STATE REVOLVING FUND PROGRAM FOR LOANS UNDER THE MISSOURI CLEAN WATER LAW.**

WHEREAS, under the terms of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 466, ET SEQ), and the Revised Statutes of Missouri (SECTION 644,RSMO), the United States of America and the State of Missouri have authorized the making of loans to authorized applicants to aid in the construction of specific public projects.

NOW, THEREFORE, BE IT RESOLVED by the Kirksville City Council,

1. That Mari E. Macomber is hereby authorized to execute and file applications on behalf of the City of Kirksville with the State of Missouri for loans to aid in the expansion and reconstruction of the City of Kirksville Wastewater Treatment Plant, and
2. That Mari E. Macomber, City Manager is hereby authorized and directed to furnish such information as the Environmental Protection Agency, and the Missouri Department of Natural Resources may reasonably request in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances to the Environmental Protection Agency and the Missouri Department of Natural Resources as may be required by law or regulation, and to receive payment on behalf of the applicant.

Councilmember Edge moved to approve Bill 2014, authorizing the City Manager to file applications with the Missouri Department of Natural Resources, State Revolving Fund Program for loans under the Federal Water Pollution Control Act, as amended; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**2<sup>nd</sup> Reading**

**BILL NO. 2014-1**

**ORDINANCE NO. 12095**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING THE CITY'S WATER AND SEWERAGE SYSTEMS.**

**WHEREAS**, the City of Kirksville operates a water and a sewerage system and is responsible for their maintenance;

**WHEREAS**, the City must pay all expenses associated with said utility systems and charge the customers of said systems accordingly;

**WHEREAS**, it is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all customers who use the City's water and/or sewerage systems;

**WHEREAS**, in order to continue participation in the State Revolving Loan Fund (SRF) program, the City must ensure user charges are sufficient to meet the requirements as outlined in the SRF program and to review user charges on an annual basis;

**WHEREAS**, the proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public water and sewerage systems; and

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

**SECTION ONE.** The following Sections of Chapter 25 shall be amended to read as follows:

**Sec. 25-52. Rendering and payment of bills.**

(c) Payments shall be made at the Finance Department, City Hall, 201 South Franklin, Kirksville, Missouri 63501, or any authorized agency or location. All bills will be due and payable ~~upon receipt.~~ **on or before the 20<sup>th</sup> of the following month after the billing date. If the 20<sup>th</sup> falls on a Saturday, the bill will be due on the 19<sup>th</sup>. If the 20<sup>th</sup> falls on a Sunday, the bill will be due on the 21<sup>st</sup>. If the 20<sup>th</sup> falls on a City of Kirksville Holiday, the bill will be due the next business day of that month.** If any bill is not paid on or before the aforementioned schedule, ~~twenty-first day following the billing date~~ ~~then~~ the bill shall become delinquent and a ten (10) percent penalty will be assessed on the outstanding balance. All customers will be subject to this ten (10) percent penalty.

**Sec. 25-60.1. City customers and public water supply districts.**

Effective January 1, 2008, water user charges will be comprised of two (2) components: a fixed service availability fee and a volume charge based on the amount of water usage.

(b) A minimum monthly volume charge equal to the cost of two hundred (200) cubic feet of water usage per month shall be made to all water customers whose water usage does not exceed two hundred (200) cubic feet of water per month.

- (1) Effective February 1, ~~2014~~ 2012, the first two thousand (2,000) cubic feet will cost **three dollars and fourteen cents (\$3.14)** ~~two dollars and eighty-five cents (\$2.85)~~ per one hundred (100) cubic feet.
- (2) Effective February 1, ~~2014~~ 2012, the next ninety-eight thousand (98,000) cubic feet of water used will cost **two dollars and seventy-five cents (\$2.75)** ~~two dollars and fifty cents (\$2.50)~~ per one hundred (100) cubic feet.
- (3) Effective February 1, ~~2014~~ 2012, water usage over one hundred thousand (100,000) cubic feet of water used will cost **two dollars and fifty-four cents (\$2.54)** ~~two dollars and thirty-one cents (\$2.31)~~ per one hundred (100) cubic feet.

### **Sec. 25-60.3. Industrial customers.**

Effective February 1, ~~2014~~ 2012, the rate for industrial customers located inside the city limits of Kirksville shall be the same formula as proscribed in [section 25-60.1](#) except that the rate for water usage in excess of four hundred thousand (400,000) cubic feet shall be **\$0.7254** ~~\$0.6595~~ per one hundred (100) cubic feet for water usage in excess of four hundred thousand (400,000) cubic feet.

### **Sec. 25-113. Basic sewer use charges.**

Monthly charges for the use and services of the POTW shall be based on the quantity of water used on the premises served, except as otherwise provided in this article.

Effective January 1, 2008, base sewer user charges will be comprised of two (2) components: a fixed service availability fee and a volume charge based on the amount of water usage.

- (a) The service availability fee shall be a monthly charge of **nine dollars and fifty cents (\$9.50)** ~~eight dollars and fifty cents (\$8.50)~~ per service connection. If service is for less than a full month, the service availability fee will be prorated based on number of days of service.
- (b) A minimum monthly volume charge equal to the cost of two hundred (200) cubic feet of water usage per month shall be made to all sewer customers whose water usage does not exceed two hundred (200) cubic feet of water per month.
  - (1) Effective February 1, ~~2014~~ 2012 the base volume charge shall be **three dollars and forty-seven cents (\$3.47)** ~~three dollars and eight cents (\$3.08)~~ per one hundred (100) cubic feet of water used at the premises as measured

by one (1) or more city water supply meter(s) installed on the premises, where the city is the water purveyor.

Sewer customers located inside the corporate limits of the city and served by the rural water district shall be billed a monthly flat rate which reflects the average water consumption of all rural water district customers connected to the city sewer during the preceding twelve (12) months. Effective January 1, 2008, in addition to the applicable volume charge, each of these unmetered city customers will be assessed the monthly service availability fee as outlined in section 25-113. The city may elect to contract with the rural water district for the collection of this fee, but is not required to do so.

Sewer customers located outside the corporate limits of the city shall pay one hundred fifty (150) percent of the applicable sewer volume charge for the same customers inside the city limits, regardless of whether the sewer use fee is assessed on a basis of actual water consumption, an annually adjusted flat fee as provided herein, the addition of excess use charges as provided herein, or other method as so determined. The minimum charge shall be one hundred fifty (150) percent of the city customer rate for usage which does not exceed two hundred (200) cubic feet of water per month. Effective January 1, 2008, in addition to the applicable volume charge, each of these city sewer customers will be assessed the monthly service availability fee as outlined in section 25-113.

**SECTION TWO:** This ordinance shall be in full force and effective as of February 1, 2014.

**BILL NO. 2014-2** **ORDINANCE NO. 12096**  
**AN ORDINANCE AMENDING CHAPTER 3 – AIRPORTS, SECTIONS 3-26, 3-41 AND 3-42 REGARDING THE FEDERAL AVIATION ADMINISTRATION; AND AMENDING SECTION 3-44 REGARDING BILLING AND COLLECTION, OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, the Federal Aviation Administration should be addressed as such; and

WHEREAS, a separate City Council Policy exists for billing and collection for the Airport, and therefore it is not necessary to also include it in the City Code of the City of Kirksville.

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

Section 1. That Sections 3-26, 3-41 and 3-42 of the Code of Ordinances of the City of Kirksville, Missouri, be amended to read as the Federal Aviation Administration as follows:

**Sec. 3-26. Airport director—Office created; appointment.**

The office of city airport director is hereby created and established. The city airport director shall be appointed by the city manager, in accordance with RSMO. Section 78.610.

The city airport director shall generally supervise the operations of all aircraft to, from and on, the municipally owned airport in conformity with the rules and regulations of the Federal Aviation Agency **Administration** and the laws of the state and the laws of the United States and rules and regulations promulgated under the authority thereof to be enforced, and to this end he shall, if need be, call upon officers and officials thereof for assistance.

**Sec. 3-41. Airmen, pilots, private aircraft to comply with ordinances, laws, rules and regulations.**

All airmen, pilots and other persons shall navigate and fly all aircraft to, from and on, the municipally owned airport in conformity with the ordinances of the city, the laws of the state, and the laws of the United States, any rules, regulations and orders promulgated thereunder, including the air traffic rules and civil air rules, as established by the Federal Aviation Agency **Administration**. The municipally owned airport shall be available for the landing and taking-off of private aircraft, not used for commercial purposes, or any individual, without charge, provided that the operator or pilot of such aircraft shall possess a valid pilot's certificate issued by the Federal Aviation Agency **Administration**, and such aircraft shall be only that which is certified by the Federal Aviation Agency **Administration**. All pilot operators shall register at a location designated by the airport director, showing their names and addresses.

**Sec. 3-42. Responsibilities and duties of commercial operators using the airport.**

No person shall use the municipal airport as a base from which to operate aircraft for the instruction of persons in the operation of aircraft; as a base for charter planes, or for carrying persons or property for hire in aircraft, without first complying with the provisions of this division, and every such person shall comply with the following rules and regulations:

- (1) All airplanes and aircraft used by commercial operators shall be kept in an airworthy condition at all times, and shall be subject to inspection by a qualified individual designated by the airport director.
- (2) All pilots or instructors employed by commercial operators shall hold the proper license or certificate issued by the Federal Aviation Agency **Administration**, and shall be registered at a location designated by the airport director, showing their names, addresses and telephone numbers. All students of such commercial operator shall likewise be registered at a location designated by the airport director.
- (3) All aircraft used by commercial operators shall be of approved types and certified by the Federal Aviation Agency **Administration**, and each aircraft shall have the standard equipment, and in addition, a fire extinguisher and first aid kit.

(4) Each commercial operator shall be held responsible for the conduct of each and every student enrolled in his school at all times while the student is in attendance at the airport, and shall be held responsible for the conduct of his employees.

(5) Such operators shall be responsible for all damage or destruction to the property of the city or of others, caused by the negligence or carelessness of their students or employees.

(6) All commercial operators shall faithfully abide by the terms and conditions imposed by the city council at the time of granting permission to such operators to operate at the municipally owned airport, and the terms of this division. All commercial operators shall file a monthly report of their operations on the first of each month with the airport director.

(7) Any person, firm or corporation, or the agents, servants or employees thereof, who, by aircraft or other device, carries persons aloft, or permits persons to be carried aloft for the purpose of jumping therefrom, by parachute or other device shall be deemed to be a commercial user of the airport, subject to all the regulations, requirements and conditions of this division.

### **Sec. 3-43. Rules and regulations to conform with airport certification manual.**

All rules and regulations shall be in conformance with the airport certification manual as approved by the city council and the Federal Aviation Administration.

### **Section 2. That Section 3-44 is hereby amended to read as follows:**

#### **Sec. 3-44. Kirksville Regional Airport Billing and Collection Policy.**

Fuel sales, billing and collection will be in accordance with City Council Policy No. 15 - Airport Billing and Collection.

~~*Billing and collection.*~~

~~(1) Invoices will be issued to all approved city charge customers (those who have approval from the airport director to charge fuel) by the 5th of each month. Payment in full is due by the 20th of each month.~~

~~(2) If payment has not been received by the 20th of the month, discounted fuel will be adjusted to reflect the pump price at the time of sale and an amended invoice will be sent.~~

~~(3) All accounts that are unpaid by the 30th of the month will be assessed an interest charge of one and five tenths (1.5) percent per month, compounded.~~

~~(4) The city will accept a variety of credit cards. (This list is not intended to be inclusive, but only informative: Master Card, Visa, Multi-Service, Texaco, Discover, Shell, Phillips 66, and American Express.)~~

~~(a) *Discounts.* Discounts will be allowed for volume users on the following basis:~~

~~(1) 1 gallon to 20,000 gallons = pump price.~~

~~(2) 20,000 gallons to 40,000 gallons - \$0.26 p/g discount from pump price.~~

~~(3) 40,000 gallons and over = \$0.30 p/g discount from pump price.~~

~~Discount prices will be determined on an annual basis before the start of each fiscal year. Volume will be determined using the customers past twelve (12) months of usage at the Kirksville Regional Airport.~~

~~New high volume users may be considered for the above described discounts by providing documentation that large volumes of fuel will be required for their operation(s) which will be based at the Kirksville Regional Airport.~~

**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 re-numbered to conform to the uniform numbering system of the Code.

**Section 4.** This Ordinance shall be effective upon its passage.

**BILL NO. 2014-3**

**ORDINANCE NO. 12097**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF KIRKSVILLE, MISSOURI TO APPLY AND ACCEPT FUNDS FOR THE TRAFFIC ENGINEERING ASSISTANCE PROGRAM GRANT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR PARKING SUPPLY AND DEMAND ANALYSIS IN DOWNTOWN KIRKSVILLE AND THE AREA IMMEDIATELY SURROUNDING THE MAIN CAMPUS OF TRUMAN STATE UNIVERSITY; AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHAFER, KLINE AND WARREN, TO PROVIDE PROFESSIONAL SERVICES FOR SAID PROJECT.**

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

**SECTION I:** The City Council hereby determines that it is in the best interest of the citizens of Kirksville to apply and accept funds from Missouri Department of Transportation for traffic engineering assistance in the City of Kirksville.

**SECTION II:** The City Council hereby authorizes the Mayor to apply and enter into an agreement with Shafer, Kline and Warren, Inc. for professional services related to said project.

**SECTION III:** The City Council hereby authorizes the Mayor to execute a Memorandum of Understanding with the Missouri Department of Transportation, which is attached as Exhibit A and made a part of this ordinance.

**SECTION IV:** Effective Date. In view of the need to meet the application deadline, the City Council hereby declares passage of this ordinance by conducting two

readings during the same meeting to be necessary. This ordinance shall therefore be in full force and effect immediately upon its final passage and approval.

Councilmember Edge moved to approve Bill No. 2014-1, 2014-2 and 2014-3 on second reading; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Mills, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

**Adjournment**

There being no further business to come before the Council, Councilmember Edge moved to adjourn; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmember Edge, Mills, Russell and Moritz. Noes – 0. Absent – Councilmember Mills.

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

Vickie Brumbaugh, CMC MRCC  
City Clerk