

## **JOURNAL OF THE CITY COUNCIL**

*Regular Session – May 19, 2014*

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

Glen Moritz	Mayor
Richard Detweiler	Councilmember
Robert L. Russell	Councilmember
Rick Steele	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Lindsay Leckbee	Deputy City Clerk
Jim Hughes	Police Chief
Alan Griffiths	Public Works Director
Glenn Balliew	Airport Director
Brad Selby	Codes & Planning Director
Ashley Young	Assistant City Manager
Sarah Halstead	Community Services Coordinator

### **Absent:**

Jerry Mills	Councilmember
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The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, May 19, 2014, at 6:00 p.m. in the City Hall Council Chambers.

### **INVOCATION and PLEDGE**

Reverend Jim Pitney of the First Christian Church provided the Invocation. Mayor Moritz and the Council led the Pledge of Allegiance.

### **MINUTES**

Councilmember Russell moved to approve the minutes of the regular session of May 5, 2014; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Mills.

### **ORDER OF AGENDA**

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

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

None.

### **CITIZEN PARTICIPATION**

Lawrence Iles requested that police officers do some patrolling around Brashear Park due to adults parking their vehicles and playing the radios late at night. Mayor Moritz said the City Manager would look into it.

Katherine Scheidt cited a safety hazard at a partial home demolition at the intersection of Jefferson and Elson. Kids have been climbing on the debris, and there are no

barriers to keep them out.

### **UNFINISHED BUSINESS**

None.

### **ACTION PRESENTATIONS**

#### **BILL NO. 2014-29**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR THE PURCHASE OF A SNOW BLOWER.**

Councilmember Detweiler moved to approve Bill No. 2014-29 on first reading; seconded by Councilmember Steele.

MoDOT Aviation approved a grant for a snow blower to allow airport staff to blow the snow over the runway and taxiway lights, while also helping to maintain FAA standards. The snow blower cost is \$10,322, with the city's portion being \$1,010.

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

#### **BILL NO. 2014-30**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI APPROVING REZONING OF REAL ESTATE LOCATED AT 1515 NORTH NEW STREET HEREIN FROM HDCZ HIGH DENSITY CORRIDOR ZONING TO LDCZ LOW DENSITY CORRIDOR ZONING AND A DEVELOPMENT PLAN FOR CONSTRUCTION OF A BUILDING IN KIRKSVILLE, MISSOURI, AND CHANGING THE ZONING MAP ACCORDINGLY.**

Councilmember Russell moved to approve Bill No. 2014-30 on first reading; seconded by Councilmember Detweiler.

Lifeline Pregnancy requested rezoning for construction of a new building. A public hearing was held on May 14, 2014 with no objections. The project meets city requirements regarding parking, storm drainage and setbacks.

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

#### **Right-of-Way Permit for Maxwell's**

Councilmember Steele moved to approve a permit for Maxwell's, a local restaurant business, to use a portion of a city parking lot for a dumpster and smoker enclosure; seconded by Councilmember Russell.

Steve Taylor is remodeling the location of the former Opie's and El Spazio businesses at 215 West Washington. These restaurants had an agreement with the City for the dumpster and grease container area. Mr. Taylor has asked us for the same agreement to include a smoker. The proposed permit will result in the loss of no more than three (3) parking spaces, which have been used in the past, and the owner agrees to maintain the enclosure as long as the business is in operation.

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

### **Contract for the Painting on the North Tower**

Councilmember Russell moved to approve awarding the contract for maintenance and painting work on the North Water Tower to Ozark Applicators, LLC; seconded by Councilmember Steele.

The outside of the tank was painted in 2009 after the tornado came through, but the inside was deferred up until now. The lowest bid of \$184,715 includes repainting the interior after completion of repairs and power washing the tank's exterior.

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

### **Bid - Asphalt Repair Project**

Councilmember Russell moved to approve awarding the contract for construction of the 2014 Asphalt Repair project to APAC; seconded by Councilmember Detweiler.

Barry Cundiff, a local attorney, came forward and spoke on behalf of W.L. Miller Company. He pointed out that when bids were let, everything indicated there was a mandatory pre-bid meeting, and W.L. Miller was the only company present at that meeting. It was his understanding that sometime after the meeting, APAC contacted City staff and said they forgot to attend the meeting. He said this presents an image of unfairness. Mr. Cundiff suggested a remedy by asking the Council to consider re-letting the bid.

Howard Hickman confirmed that re-letting the bid is an option, but the Council also has the right to waive the requirement of the mandatory pre-bid meeting and accept the bid the way it stands. Mari Macomber explained that based upon Mr. Hickman's examination, the substantial cost difference in the bids is why staff suggested to accept APAC's bid.

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

### **Contract for 2014 Concrete Repair Project**

Councilmember Detweiler moved to approve awarding the contract for construction of the 2014 Concrete Repair project to Mihalevich Concrete Construction; seconded by Councilmember Russell.

This is the second portion of the 2014 Pavement Resurfacing Program. Two bids were received and Mihalevich Concrete Construction was the low bidder at \$657,730.50.

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

### **Liquor License Renewals**

Councilmember Detweiler moved to approve renewal of the first list of liquor licenses for the merchants holding said licenses for the annual period commencing July 1, 2014; seconded by Councilmember Steele.

There will be two more renewal lists presented to the Council during the month of June.

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

### **Re-appointment to the Board of Adjustment**

Councilmember Russell moved to approve the re-appointment of Jim Baumgartner to the Board of Adjustment to a five-year term; seconded by Councilmember Detweiler. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Mills.

### **Re-appointment to the Kirksville Tourism Board**

Councilmember Steele moved to re-appoint Mari Macomber to the Kirksville Tourism Advisory Board; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Mills.

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

**BILL NO. 2014-29**

**ORDINANCE NO. 12114**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KIRKSVILLE, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION PROVIDING FOR THE PURCHASE OF A SNOW BLOWER.**

BE IT ORDAINED by the City Council of the City of Kirksville 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 providing for the purchase of a snow blower.

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.

**BILL NO. 2014-30** **ORDINANCE NO. 12115**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI APPROVING REZONING OF REAL ESTATE LOCATED AT 1515 NORTH NEW STREET HEREIN FROM HDCZ HIGH DENSITY CORRIDOR ZONING TO LDCZ LOW DENSITY CORRIDOR ZONING AND A DEVELOPMENT PLAN FOR CONSTRUCTION OF A BUILDING IN KIRKSVILLE, MISSOURI, AND CHANGING THE ZONING MAP ACCORDINGLY.**

**WHEREAS**, the Lifeline Pregnancy Help Clinic has submitted a site plan for the development of a building at their new location; and

**WHEREAS**, the property is legally described as:

Lot 2 of Lot 2, Rosewood Re-Subdivision, a minor subdivision to the City of Kirksville, Missouri, per City Ordinance No. 11754 recorded in Book 753 Page 099 and the plat thereof recorded in Book 753 Page 101; and

**WHEREAS**, the development of the property shall be in complete accord with said development plan which was approved by the Planning and Zoning Commission in a public hearing on May 14, 2014; and

**WHEREAS**, the notice of rezoning of the aforesaid lot was placed in a daily newspaper of general circulation 15 days in advance of a Public Hearing, and property owners within 185 feet of the property to be rezoned were notified by certified mail; and

**WHEREAS**, no persons spoke in opposition to the plan at the public hearing; and

**WHEREAS**, after consideration of the business plan and assigning points to various aspects of the development plan, the property was rezoned from HDCZ, High Density Corridor Zone, to LDCZ, Low Density Corridor Zone, and the zoning map of the City of Kirksville will be adjusted accordingly.

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

The development plan as submitted and the rezoning of the property to Low Density Corridor Zone is hereby approved and accepted by the City of Kirksville, and such plan shall be followed for construction by the owner of the property, and the zoning map of the City of Kirksville shall be changed accordingly.

This ordinance shall be of full force and effect from and after the date of its passage.

Councilmember Russell moved to adopt Bill Nos. 2014-29 and 2014-30 on second reading; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Mills.

**Council Comments**

None.

**Adjournment**

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

Mayor Moritz adjourned the meeting at 6:33 p.m.

Lindsay Leckbee  
Deputy City Clerk