

## **JOURNAL OF THE CITY COUNCIL**

*Regular Session – January 5, 2015*

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

Glen Moritz	Mayor
Richard Detweiler	Councilmember
Jerry Mills	Councilmember
Robert L. Russell	Councilmember
Rick Steele	Councilmember
Howard Hickman	City Attorney
Mari E. Macomber	City Manager
Vickie Brumbaugh	City Clerk
Alan Griffiths	Public Works Director
Jim Hughes	Police Chief
Lacy King	Finance Director
Sarah Halstead	Community Services Coordinator

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, January 5, 2015, at 6:00 p.m. in the City Hall Council Chambers.

### **INVOCATION and PLEDGE**

Reverend Robert Fredricks provided the Invocation. Boy Scout Troop 404 led the Pledge of Allegiance.

### **MINUTES**

Councilmember Russell moved to approve the minutes of the regular session of December 15, 2014; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

### **ORDER OF AGENDA**

City Manager Macomber announced that the Council discussed in tonight's Study Session to enter a three-year funding agreement with KREDI for \$100,000 per year, so the motion should include a three-year agreement. An additional item to the agenda as #12 is an amendment to the 2015 budget. The Airport fence rehab project has not started yet. Funds from 2014 will have to be moved to the 2015 budget so this project can begin.

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

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

Mayor Moritz and the Council members presented a Public Service Award to City Clerk Vickie Brumbaugh recognizing 40 years of service with the City.

### **CITIZEN PARTICIPATION**

Verlin Wilhite addressed the Council regarding the City's requirement for his camper motor home. He had it parked in the front yard, and is now being required by the City to park it beside his house which blocks the driveway going to the back of his property. He asked the Council to consider allowing him to park the camper in front of his house due

to his residential location.

**UNFINISHED BUSINESS**

None.

**ACTION PRESENTATIONS**

**BILL NO. 2015-01**

**RESOLUTION NO. R1-5-01**

**A RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS TO TRANSACT BUSINESS REGARDING THE CITY OF KIRKSVILLE'S VISA CREDIT CARD WITH THE COMMERCE BANK.**

WHEREAS, the City of Kirksville holds a Visa Credit Card with the Commerce Bank for City business transactions; and

WHEREAS, the City of Kirksville must designate certain individuals to sign credit card documents as needed; and

WHEREAS, the following individuals are authorized: Mari Macomber, City Manager; Lacy King, Finance Director; and Vickie Brumbaugh, City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that these authorized individuals shall proceed to apply their signature on business documents regarding a Visa credit card with the Commerce Bank.

Councilmember Mills moved to approve Bill No. 2015-01; seconded by Councilmember Detweiler.

The Visa credit card with the Commerce Bank is used to conduct business when checks are not acceptable as a form of payment for city business. The users of this account needs updated since two of the three currently listed are no longer with the City.

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

**BILL NO. 2015-02**

**RESOLUTION NO. R1-5-02**

**A RESOLUTION SETTING THE VIDEO SERVICE PROVIDER FEE EQUAL TO NOT MORE THAN FIVE PERCENT (5%).**

WHEREAS, the City of Kirksville entered into a ten year non-exclusive franchise agreement with Cableone on February 28, 2005, and

WHEREAS, the City of Kirksville has learned that Cableone will be applying for a video services-state issued authorization through the State of Missouri Public Service Commission, and

WHEREAS, the City of Kirksville has established a five percent fee for other users of the public right of way and wishes to establish this same percentage for any company that obtains a video services-state issued authorization to provide service to Kirksville,

Missouri effective on the date authorized by the video services-state issued authorization.

NOW, THEREFORE, BE IT RESOLVED that the City Clerk, on behalf of the City of Kirksville, shall provide proper notice of said intent to establish the five percent (5%) fee.

Councilmember Russell moved to approve Bill No. 2015-02; seconded by Councilmember Mills.

CableOne has notified the City of their intent to apply for a state-issued video service franchise authorization. The five percent fee of gross revenues will mirror other users of the City's right-of-way.

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

#### **BILL NO. 2015-03**

#### **AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING ALCOHOLIC BEVERAGES.**

Councilmember Detweiler moved to approve Bill No. 2015-03 on first reading; seconded by Councilmember Russell.

A local attorney, Wallace Trosen, asked the City to consider mirroring the Missouri law allowing for the expunging of records for violations made by minors for purchase or possession of alcohol.

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

#### **Funding Agreement with KREDI**

Councilmember Steele moved to approve a three-year funding agreement with KREDI for economic development services; seconded by Councilmember Mills.

The City entered the first three-year agreement with KREDI in 2003. The current agreement expires the end of January 2015. The Council discussed three years in tonight's Study Session with one Councilmember asking for a one-year commitment and then a review, but the majority of the Council supported a three-year agreement with an annual commitment of \$100,000.

Betty McLane-Iles, a resident, asked the Council if there will be a specific amount of dollars offered to small businesses? City Manager Macomber responded that KREDI does not work directly with small businesses, but the Council could make a recommendation to MREIC.

Councilmember Russell asked for a Roll Call vote. The motion carried by the following Roll Call vote taken by City Clerk Vickie Brumbaugh: Ayes – Mayor Moritz; Councilmember Detweiler and Mills. Noes – Councilmembers Russell and Steele.

**Bid – Water Line Boring**

Councilmember Detweiler moved to approve the directional water line boring bid from Lawson Construction to perform pipeline bores in 2015; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Bid - Water Treatment Chemicals**

Councilmember Mills moved to approve the purchase of water treatment chemicals from various vendors; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Bid – Powdered Activated Carbon**

Councilmember Russell moved to approve the quote from Cabot Norit Americas of Marshall, Texas for powdered activated carbon; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Bid – Rock**

Councilmember Mills moved to approve the rock bid from Grgurich & Grgurich Trucking to supply rock materials in 2015; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**KREDI Board – Appointment of Ashley Young**

Councilmember Russell moved to appoint Ashley Young to serve on the KREDI Board as a representative of the City filling the position formerly held by Councilmember Steele.

Councilmember Steele is no longer available to attend the meetings due to a job schedule change.

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

**Adair County Extension Council – Appointment of Dale VanSickle**

Councilmember Russell moved to appoint Dale VanSickle to the Adair County Extension Council for a two-year term; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**LPRC – Re-appointment of Hank Janssen & Tommy Barlow**

Councilmember Russell moved to re-appoint Hank Janssen and Tommy Barlow to the Lakes, Parks and Recreation Commission; seconded by Councilmember Mills.

The Kirksville Baseball Softball Association has confirmed their recommendation of reappointment of Hank Janssen as the KBSA representative on the LPRC.

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

**Added Item to the Agenda:**

The Kirksville Regional Airport fence project has not been started. Therefore, the funds for this project need to be moved to the 2015 budget. The contractor has indicated they can start this project before the next Council meeting in February, therefore the need to place the 2015 budget amendment on tonight's agenda as of today, January 5, 2015.

**BILL NO. 2015-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 12139, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2015 BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

Councilmember Steele moved to approve Bill No. 2015-04 on first reading; seconded by Councilmember Mills.

Since the Airport fence rehab project had not been started, it is necessary to move the funds for this project to the 2015 budget, therefore requiring a budget amendment. The contractor estimates they can start the project before the Council meets in February, so the budget amendment was added to tonight's agenda.

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

**Second Reading**

**BILL NO. 2015-03**

**ORDINANCE NO. 12141**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING ALCOHOLIC BEVERAGES.**

**WHEREAS**, Missouri law allows for the expunging of minor in possession convictions when specific requirements are met; and

**WHEREAS**, it is the City's desire to support our young residents by allowing the Municipal Judge the authority to expunge a violation of City Code Sec. 4-3. - Minors. (a) Purchase or possession when specific requirements are determined to be met.

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

Section I. That Section 3 of Chapter 4 of the Code of Ordinances be amended by adding the following:

(d) *Expunging of Record.* After a period of not less than one (1) year after reaching the age of twenty-one (21) years, a person who has pleaded guilty to or has been found guilty of violating City Ordinance Section 4.3A for the first time, and who since such conviction has not been convicted of any other alcohol-related offense, may apply to the Kirksville Municipal Court for an order to expunge all official records of his

or her arrest, plea, trial and conviction. No records shall be expunged if the person who has pleaded guilty to or has been found guilty of violating Section 4.3 (a) is licensed as a commercial motor vehicle driver or was operating a commercial motor vehicle as defined in Section 302.700 RSMo. at the time of the violation. If the court determines, upon review, that such person has not been convicted of any other alcohol-related convictions at the time of the application for expunging, and the person has had no other alcohol-related enforcement contacts, the Court shall enter an order of expunging. The effect of such an order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, as if such event has never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expunging in response to any inquiry made of him or her for any purpose whatsoever. A person shall be entitled to only one expunging pursuant to this section. Nothing contained in this section shall prevent courts or other state officials from maintaining such records as are necessary to ensure that an individual receives only one expunging pursuant to this section.

Section II. Effective Date

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

Section 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, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**BILL NO. 2015-04**

**ORDINANCE NO. 12142**

**AN ORDINANCE AMENDING ORDINANCE NO. 12139, APPROPRIATING FROM THE REVENUE OF THE CITY OF KIRKSVILLE, MISSOURI, EXPENDITURES IN ACCORDANCE WITH THE 2015 BUDGET OF THE CITY OF KIRKSVILLE, MISSOURI AND PROVIDING FOR ADJUSTMENTS THERETO.**

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

**SECTION 1.** That Section 1 of Ordinance No. 12139 be amended to read: The Annual Budget of the City of Kirksville, Missouri, aggregating \$40,081,773, for the fiscal year commencing January 1, 2015 and ending December 31, 2015, as submitted by the City Manager and incorporated herein by reference as is fully set out in this ordinance, is hereby approved.

**SECTION 2.** Revisions to the original budget for the funding of new projects or expenditures necessitating increases or decreases in the individual Funds as so described on the attached Budget Amendment Summary are approved.

Councilmember Russell moved to approve Bill No. 2015-03 and 2015-04 on second reading; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Council Comments**

Mari Macomber distributed a report on building permits issued in 2014 that the Mayor had asked for, and the total number of business licenses as of December 2014. She asked if the Council was in agreement with sending police car bid invitations to only local businesses, and not place on the City's web site.

The State of the City address will be held on February 2.

**Adjournment**

There being no further business to come before the Council, Councilmember Mills moved to adjourn to an executive session regarding a Real Estate Matter, RsMO 610.021(2); seconded by Councilmember Russell. The motion carried by the following Roll Call vote taken by the City Clerk: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

Mayor Moritz adjourned the meeting at 6:40 p.m.

Vickie Brumbaugh, CMC MRCC  
CityClerk