

JOURNAL OF THE CITY COUNCIL

Regular Session – March 2, 2015

COUNCIL & STAFF PRESENT:

Glen Moritz	Mayor
Richard Detweiler	Councilmember
Robert L. Russell	Councilmember
Rick Steele	Councilmember
Howard Hickman	City Attorney
Ashley Young	Assistant City Manager
Vickie Brumbaugh	City Clerk
Brad Selby	Codes Administrator
Jim Hughes	Police Chief
Len Kollars	Deputy Public Works Director
Sarah Halstead	Community Services Coordinator

Absent:

Jerry Mills	Councilmember
Mari E. Macomber	City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, March 2, 2015, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

A layperson from the United Pentecostal Church provided the Invocation. Girl Scouts led the Pledge of Allegiance.

MINUTES

Councilmember Russell moved to approve the minutes of the regular session of February 2, 2015; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Jerry 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 Jerry Mills.

INFORMATION PRESENTATIONS & PUBLIC HEARING

Carolyn Chrisman, KREDI Director, presented a Governor for the Work Ready Community Proclamation to the City Council.

CITIZEN PARTICIPATION

Teri Page asked the Council to place the Mark Twain transmission line item on a future agenda, to oppose the project and submit to the Public Service Commission.

Cliff Hollenbeck pointed out the high voltage effects to our health environment and future generations. He asked the Council to oppose the Mark Twain transmission line.

Betty McLane-Iles said she supports the Neighbors United who are opposed to the Mark Twain transmission line. She proposed the possibility to bring this to the Planning and Zoning Commission.

Deborah Gaines said the transmission line does not benefit Missouri, but does benefit Iowa and Illinois. It is a health risk to humans and livestock. She asked the Council to support opposing this line through our area.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2015-11

RESOLUTION NO. R3-2-06

A RESOLUTION OF SUPPORT TO REAUTHORIZE THE LAND AND WATER CONSERVATION FUND AT ITS FULLY FUNDED ANNUAL \$900 MILLION TO HELP ESTABLISH AND SUPPORT URBAN PARKS AND GREEN SPACE.

WHEREAS, the Land and Water Conservation Fund has been continually underfunded and is at risk with the legislation set to “sunset” on September 30, 2015; and

WHEREAS, Mayors for Parks was formed to be a voice for the importance of reauthorizing the LWCF and to call for the LWCF to be funded at the fully authorized amount of \$900 million annually; and

WHEREAS, Mayors for Parks know the vital role parks and open space play in improving the health and vitality of our nation’s communities; and

WHEREAS, the City of Kirksville, Missouri, has received over \$220,000 in grant funds from LWCF since 1976 which made it possible to renovate and develop our community parks; to purchase playground equipment, landscaping, site furnishing including signage, ground cover, ADA accessibility parking; and to build the outdoor amphitheater facility and skate park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Kirksville, Missouri, joins with the Mayors for Parks in supporting their commitment for full funding of our great urban parks to create healthy, walkable and sustainable cities; and

BE IT FURTHER RESOLVED that match money from the LWCF is an essential tool for cities as we seek to develop new parks, revitalize existing parks, green spaces, and recreation opportunities; and

BE IT FURTHER RESOLVED the investments in large and small community parks are vital to help grow our local economies by creating jobs, increasing property values, and attracting the kinds of businesses, workforces, and private capital that will enable communities to be economically competitive in today’s global economy.

Councilmember Russell moved to approve Bill No. 2015-11; seconded by Councilmember Steele.

The Land and Water Conservation Fund will sunset September 30, 2015. Mayors for Parks was formed to seek reauthorization of the funding. Kirksville has received over \$220,000 since 1976 which provided for the purchase of playground equipment and the building of the skate park and amphitheater facility.

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

BILL NO. 2015-12

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES CONCERNING AN INCREASE IN BUILDING FEES TO COVER COSTS AND TO ESTABLISH SOME FEES BY ORDINANCE IN THE CITY OF KIRKSVILLE, MISSOURI.

Councilmember Detweiler moved to approve Bill No. 2015-12 on first reading; seconded by Councilmember Steele.

There is a need to increase demolition and remodeling permit fees to cover expenses. The City Attorney reviewed the fees to the Hancock Law, and the increases are in compliance.

Lawrence Iles, a resident, asked if a sidewalk were torn down, is the resident required to replace the sidewalk. Brad Selby responded that no one is allowed to remove a sidewalk and not replace it.

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

BILL NO. 2015-13

AN ORDINANCE PROVIDING FOR THE REPEAL OF ARTICLE I THRU ARTICLE XXI – CABLE ONE, INC. FROM APPENDIX C - FRANCHISES SECTION OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

Councilmember Steele moved to approve Bill No. 2015-13 on first reading; seconded by Councilmember Detweiler.

CableOne chose to pursue a franchise agreement with the State of Missouri who will now be responsible for oversight of the CableOne services. The City will continue to receive the franchise fee for use of the City's right-of-way.

Councilmember Russell said that he did not want to see any increases for residents. City Attorney Hickman explained that the ordinance before the Council does not address any cost increase.

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

Bid - Asphalt

Councilmember Steele moved to authorize the City Manager to enter an agreement with W.L. Miller for construction of the 2015 asphalt street project and to authorize the City Manager to approve change orders; seconded by Councilmember Detweiler.

Streets scheduled for repair include portions of Hamilton, High, LaHarpe, Michigan Shepherd and Washington. Two bids were received and W.L. Miller was the lowest at \$176,418.25.

Lawrence Iles, a resident, asked for a unanimous vote of the Council.

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

Bid – Concrete

Councilmember Steele moved to authorize the City Manager to enter into an agreement with Mihalevich Concrete Construction for construction of the 2015 concrete street project and to authorize the City Manager to approve change orders; seconded by Councilmember Russell.

Streets to be repaired include portions of Colyer Road, Doyle Way, Dwight Way, Florence Street and Poplar Lane. Four bids were received and Mihalevich was low bid at \$61,083.

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

Bid – Pump & Motor

Councilmember Russell moved to accept a proposal from Douglas Pump Service of Overland Park, Kansas for a new replacement motor, Westinghouse 200 HP, 460 VOLT, pump inspection and control panel repairs for one of two intake pumps at Hazel Creek pump station as sole source provider of services; seconded by Councilmember Steele.

Douglas Pump Service is sole provider at \$23,547 to furnish new motor and do repairs on the pump. Other companies could not do a complete package.

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

Bid – Boom Mower

Councilmember Steele moved to approve purchase of a boom mower from Sydenstricker Farm and Lawn; seconded by Councilmember Detweiler.

Two bids were received and Sydenstricker was the low bid at \$114,988, including the trade-in of the old mower. Crown Power and Equipment was not considered due to submitting a floor model that did not include all requested options.

Councilmember Russell requested copies of both bids submitted.

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

Street Use for St. Patty’s Day Parade

Councilmember Steele moved to approve a request for the use of city streets for the St. Patty’s Day parade and the start/finish of the 5K run; seconded by Councilmember Detweiler.

The is the same parade as in past years on Elson at McPherson to Illinois. The race route, other than the start and finish on Elson, does not require Council approval since the streets will not be closed.

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

Street Use for Red Barn Arts and Crafts Festival

Councilmember Russell moved to approve a request from the Kirksville Arts Association for the use of downtown city streets on September 19, 2015 for the Red Barn Arts and Crafts Festival; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Russell and Steele. Noes – 0. Absent – Councilmember Jerry Mills.

Second Reading

[The two Ordinances were read separately by the City Clerk since there was not a unanimous vote on the first reading of Bill No. 2015-13. A separate vote on each Bill was taken.]

BILL NO. 2015-12

ORDINANCE NO. 12147

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES CONCERNING AN INCREASE IN BUILDING FEES TO COVER COSTS AND TO ESTABLISH SOME FEES BY ORDINANCE IN THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, the remodeling and demolition fees charged for these services are not felt to cover costs for this work and an increase in fees is necessary; and

WHEREAS, the establishment of fees for signs, commercial demolitions, and demolition of accessory buildings should be set by ordinance and has not been done until this time; and

WHEREAS, a comparison of all these fees with cities in Missouri of comparable size shows that even with this modest increase we believe we are still in the middle of the range; and

WHEREAS, it is projected that these changes will bring in approximately \$1,300 to \$3,000 per year in additional revenue.

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

That amendments to Chapter 6, Articles II, V, and VII as defined below, approving an increase in remodeling fees and residential demolition fees to cover costs and the establishment of fees by ordinance for signs, commercial demolition and accessory building demolitions, shall be approved and incorporated into the Code of Ordinances of the City of Kirksville, Missouri.

The Code changes required are shown below with strikeouts. The additions are printed in bold letters:

Section 1. To amend Article II of Chapter 6 – Buildings and Building Regulations as follows:

Article II – Building Code

Sec. 6-17. Amendments

(c) Section 109.1.1. Insert “Building Permits: \$8.50 minimum fee, plus \$4.25 per thousand cost of construction. This permit fee will include all aspects of construction including electricity, plumbing, gas tests, heating and air conditioning for new construction. Remodeling Permits: \$6.50 minimum fee, plus ~~\$3.25~~ **3.75** per thousand cost of construction. This permit fee will include all aspects of remodeling for existing buildings, excluding gas inspection. Gas inspection: \$13.00 per inspection visit; Electric inspection: \$6.50 per inspection visit, except for new construction. Demolition permits for ~~residential~~ properties will be ~~\$32.50~~ **50.00 for a residential house, \$40.00 for a detached garage or accessory building, and \$4.75 per thousand cost of demolition for a commercial building, with the minimum fee being \$50.00. Fees for advertising signs are \$4.25 per thousand of the cost of materials and labor combined.”**

Section 2. To amend Article V of Chapter 6 as follows:

Article V – Mechanical Code

Sec. 6-67. Amendments

(b) Section 106.5.2. Insert “Building Permits: \$8.50 minimum fee, plus \$4.25 per thousand cost of construction. This permit fee will include all aspects of construction including electricity, plumbing, gas tests, heating and air conditioning for new construction. Remodeling Permits: \$6.50 minimum fee, plus ~~\$3.25~~ **3.75** per thousand cost of construction. This permit fee will include all aspects of remodeling for existing buildings, excluding gas inspection. Gas inspection: \$13.00 per inspection visit; Electric inspection: \$6.50 per inspection visit, except for new construction. Demolition permits for ~~residential~~ properties will be ~~\$32.50~~ **50.00 for a residential house, \$40.00 for a detached garage or accessory building, and \$4.75 per thousand cost of demolition for a commercial building, with the minimum fee being \$50.00. Fees for advertising signs are \$4.25 per thousand of the cost of materials and labor combined.”**

Section 3. To amend Article VII of Chapter 6 as follows:

Article VII – Plumbing Code

Sec. 6-107. Amendments

(b) Section 106.6.2. Insert “Building Permits: \$8.50 minimum fee, plus \$4.25 per thousand cost of construction. This permit fee will include all aspects of construction including electricity, plumbing, gas tests, heating and air conditioning for new construction. Remodeling Permits: \$6.50 minimum fee, plus ~~\$3.25~~ **3.75** per thousand cost of construction. This permit fee will include all aspects of remodeling for existing buildings, excluding gas inspection. Gas inspection: \$13.00 per inspection visit; Electric inspection: \$6.50 per inspection visit, except for new construction. Demolition permits for ~~residential~~ properties will be ~~\$32.50~~ **50.00 for a residential house, \$40.00 for a detached garage or accessory building, and \$4.75 per thousand cost of demolition for a commercial building, with the minimum fee being \$50.00. Fees for advertising signs are \$4.25 per thousand of the cost of materials and labor combined.”**

Section 4. This ordinance shall be of full force and effect on the day after its passage.

Councilmember Steele moved to approve Bill No. 2015-12 on second reading; seconded by Councilmember Detweiler. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler and Steele. Noes – Councilmember Russell. Absent – Councilmember Jerry Mills.

BILL NO. 2015-13

ORDINANCE NO. 12148

AN ORDINANCE PROVIDING FOR THE REPEAL OF ARTICLE I THRU ARTICLE XXI – CABLE ONE, INC. FROM APPENDIX C - FRANCHISES SECTION OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

WHEREAS, Cable One, Inc. has operated a franchise with the City of Kirksville for a number of years, and most recently under a 10-year franchise since 2005, expiring on February 28, 2015; and

WHEREAS, Cable One chose to pursue a State of Missouri Franchise agreement in lieu of renewing the agreement with the City of Kirksville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirksville, Missouri, that the franchise agreement with the City of Kirksville has expired and the contents of Article I – CableOne, Inc. agreement is no longer in effect.

Section 1. That Article I thru Article XXI – CableOne, Inc. of Appendix C - Franchises of the City of Kirksville, Missouri, is hereby repealed and declared null and void and of no effect.

Section 2. The provisions of this Ordinance shall become effective immediately upon its passage.

Councilmember Steele moved to approve Bill No. 2015-13 on second reading; seconded by Councilmember Detweiler. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler and Steele. Noes – Councilmember Russell. Absent – Councilmember Jerry Mills.

Council Comments

None.

Adjournment

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

Mayor Moritz adjourned the meeting at 7:05 p.m.

Vickie Brumbaugh, CMC MRCC
CityClerk