

JOURNAL OF THE CITY COUNCIL

Regular Session – March 16, 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
Ashley Young	Assistant City Manager
Brad Selby	Codes Administrator
Glenn Balliew	Airport Director & Acting Public Works Director
Jim Hughes	Police Chief

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, March 16, 2015, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Mayor Moritz provided the Invocation. Girl Scouts led the Pledge of Allegiance.

MINUTES

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

ORDER OF AGENDA

City Manager Macomber announced the addition of Item #6 – To consider a plow truck bid from Lovegreen Ford.

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

INFORMATION PRESENTATIONS & PUBLIC HEARING

None.

CITIZEN PARTICIPATION

Ralph Chrisman of Green City encouraged the Council to be in contact with people in the area, and to consider opposing the power line.

Betty McLane-Iles said she supports the landowners against the power line. She also supports the idea to hold study sessions in the Council Chambers.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2015-14

RESOLUTION NO. R3-16-07

A RESOLUTION TO REAPPOINT MARI E. MACOMBER AS ALTERNATE ON THE REGIONAL PLANNING COMMISSION EXECUTIVE BOARD.

WHEREAS, on the 19th day of March in 1969, Governor Warren E. Hearnes designated the Northeast Missouri Regional Planning Commission, (NEMO RPC), and with this designation, the Northeast Missouri Regional Planning Commission was created; and

WHEREAS, the Northeast Missouri Regional Planning Commission currently serves the counties within the region of Adair, Clark, Knox, Lewis, Schuyler, Scotland, and the 33 incorporated cities for a total of 39 member governments within Northeast Missouri; and

WHEREAS, the governing body of each County within the region shall appoint one member of the County governing body to the Northeast Missouri Regional Planning Executive Board and one member of the County governing body as an alternate; and

WHEREAS, the incorporated cities of each county shall caucus and appoint one member to the Northeast Missouri Regional Planning Executive Board;

NOW, THEREFORE, BE IT RESOLVED, that the incorporated **CITIES OF ADAIR COUNTY** requested that Curt Platz, Council Member of the City of Brashear, being designated by the Mayors as a voting board member to represent the incorporated **CITIES OF ADAIR COUNTY** on the Northeast Missouri Regional Planning Commission Executive Board, with Mari E. Macomber being designated to represent the incorporated **CITIES OF ADAIR COUNTY** as an alternate Board Member.

Councilmember Mills moved to approve Bill No. 2015-14; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

BILL NO. 2015-15

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 2 - ADMINISTRATION, CHAPTER 6 - BUILDINGS AND BUILDING REGULATIONS, CHAPTER 13 - HOUSING AND CHAPTER 21 - STREETS AND SIDEWALKS OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.

Councilmember Russell moved to approve Bill No. 2015-15 on first reading; seconded by Councilmember Mills.

Brad Selby explained the size of house address numbers will be a minimum height of four inches. Some brick mailboxes are being constructed in the right-of-way which are highly susceptible to damage from weight of snow when the street is being cleared of snow. If the brick mailbox is damaged during snow removal, the City will pay \$50 for repair. The City replaces a regular mailbox when damaged. Planter boxes have been located on right-of-way which obstructs access to water and sewer lines, and snow removal. The City will be canvassed, and the property owners will receive a letter to clear the area in a year.

Council discussed the period of time for cleanup of the flowers, timber, etc in the right-of-way areas. The Council was advised that an amendment to the Ordinance could be made.

Mr. Selby continued to explain the proposed Ordinance – wordage to include automotive and vehicle parts, recycled materials, construction materials, tires, bicycle parts, boards, etc. will be added to rubbish definition. Grass clippings and leaves on streets and sidewalks will be more defined in the Ordinance. The current ordinance provides for the chairman, vice-chairman and the Codes Director to approve certain buildings for demolition. The Historical Preservation Commission wishes to allow any two members of the Commission, receiving a majority vote, to approve demolitions along with the Codes Director.

Mayor Moritz moved to amend Section 4 of Bill No. 2015-16, to have the property cleared after six months notice, instead of one year. The motion died for lack of a second.

The original motion to approve Bill No. 2015-15 on first reading carried by the following vote: Ayes – Mayor Moritz; Councilmember Mills, Russell and Steele. Noes – Councilmember Detweiler.

Council Policy #26 – Open Meetings and Records Amendment

Councilmember Mills moved to amend Council Policy #26 to further comply with the Sunshine Law; seconded by Councilmember Steele.

Tom Durkin, a presenter on the Sunshine Law, suggested wordage in city policies to clarify how the hourly rate is assessed for the least paid person who is capable of responding to a records request.

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

BILL NO. 2015-16

AN ORDINANCE AMENDING CHAPTER 7 - CEMETERIES - OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, REGARDING RULES AND REGULATIONS.

Councilmember Mills moved to approve Bill No. 2015-16 on first reading; seconded by Councilmember Detweiler.

Changes to the Ordinance are necessary to minimize maintenance problems at the Cemetery, such as the removal of Shepherd hooks and no further plantings.

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

Bid – Tractor

Councilmember Steele moved to approve the purchase of a tractor from Sydenstricker Farm and Lawn; seconded by Councilmember Mills.

Crown Power was a slightly lower bid, but did not meet the specifications. The bid price from Sydenstricker was \$82,900. The budget was \$88,000, therefore leaving \$5,100 to be used toward mowing equipment.

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

Bid – Plow Truck

Councilmember Steele moved to approve the purchase of a plow truck from Lovegreen Ford with Henderson Equipment as the supplier; seconded by Councilmember Mills.

Four bids from Lovegreen with different suppliers were received. The best bid was \$88,838.20 with Henderson equipment.

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

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. 2015-15. A separate vote on each Bill was taken.]

BILL NO. 2015-15 **ORDINANCE NO. 12149**
AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 2 -
ADMINISTRATION, CHAPTER 6 - BUILDINGS AND BUILDING REGULATIONS,
CHAPTER 13 - HOUSING AND CHAPTER 21 - STREETS AND SIDEWALKS OF THE
CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.

WHEREAS, amendments and additions to ordinances are needed to address mailbox damages, the size of address numbers, obstructions on the right-of-way, members assigned to a demolition subcommittee, the definition of rubbish, and debris on city streets and sidewalks; and

WHEREAS, these amendments and additions are necessary for the correct interpretation and use of the said codes and are for the benefit and safety of the citizens of the City of Kirksville.

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

Amendments and additions to the Code of Ordinances for Chapters 2, 6, 13, and 21 referred to in this ordinance 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 X of Chapter 2 – Administration, as follows:

Article X – Kirksville Historic Preservation

Sec. 2-202 (b) (2)

~~The chairman, vice chairman, and~~ **Any two members of the Commission approved by a majority vote of the Commission to be on this demo subcommittee, along with the** codes and planning director, if in unanimous consent:

a. Any existing structure which is not a current, planned, or pending landmark or part of a historic district.

Section 2. To amend the definition of Rubbish as listed in the current version of the International Property Maintenance Code as adopted by city ordinance, by the addition in the Code of Ordinances of the following paragraph in Article X of Chapter 6 Buildings and Building Regulations, as follows:

Article X – Property Maintenance Code

Sec. 6-162. Amendments.

(k) Delete the existing definition of rubbish as defined in the adopted version of the International Property Maintenance Code and replace with: “Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, automotive and other vehicle and mechanical parts, tires, bicycle parts, stripped down or non-working lawn mowers, construction materials when no building permit is in effect, boards, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, recycle materials not in approved recycling containers, glass, crockery, dust, and other similar materials.”

Section 3. To amend Article III of Chapter 13 – Housing, as follows:

Article III – Manufactured Homes

Sec. 13-42. Manufactured home minimum occupancy requirements.

f. An address number (minimum of ~~two (2 1/2)~~ **four (4)** inches in height) corresponding with the assigned lot number will be placed appropriately on the manufactured home facing, and visible, from the street.

Section 4. To add an additional paragraph to Article I of Chapter 21 – Streets and Sidewalks, as follows:

Article I – In General

Sec. 21-3. Obstruction of streets and sidewalks.

The existing paragraph under this section should be designated as **(a)**.

(b) Right-of-Way Obstructions. No objects or materials other than trees, shrubs, mulch, or small gravel may be placed in the city’s right-of-ways. The materials not allowed include: railroad ties, boards, landscape timbers, pottery, barrel planters, rocks larger than three-fourths inch (3/4”) in size, landscaping bricks and stone, and like items. These items interfere with the city’s use of the area

when required for utility work and road clearing operations. The City of Kirksville will begin enforcement of this paragraph (Sec. 21-3 (b)) on March 17, 2016.

Section 5. To add additional language to Article I of Chapter 21 – Streets and Sidewalks, as follows:

Article I – In General

Sec. 21-4. Depositing mud, dirt or debris on streets and sidewalks.

(b) The term “excessive” amounts of mud, dirt or debris is hereby defined as any amount of mud, dirt or debris on streets or sidewalks which might create hazardous conditions for vehicle or pedestrian traffic. **The term “debris” is hereby defined to include leaves and grass clippings from lawn mowers and other rotary mowers. These leaves and/or grass clippings may not be deposited in piles, mounds, or clumps upon any city sidewalk, in the street, or in the curb and gutter area of a street. The discharge of leaves and/or grass clippings from a lawn mower onto the street or sidewalk area is discouraged, but is not an ordinance violation as long as the grass being mowed is not of a heavy and overgrown grass area. Large amounts of grass discharged onto sidewalks or into the curb and gutter area, of an amount determined to be enough to plug city storm water inlets, is an ordinance violation and may be prosecuted as such.**

Section 6. To add an additional paragraph to Article III of Chapter 21 – Streets and Sidewalks, as follows:

Article III – Rights-of-Way Management

Sec. 21-57. Miscellaneous provisions.

(o) *Maintenance of mailboxes located on city streets and curbs.* Citizens who erect custom mailboxes or who construct brick structures around mailboxes as an enclosure that are located in the city right-of-way along a street accept the responsibility for maintenance of the structure. Any damage done to a custom mailbox that is determined to be from a city vehicle striking the mailbox will be compensated at the rate of fifty dollars (\$50) to the property owner, with the property owner providing any needed repairs or replacement. Any standard mailbox mounted on a post that is determined to have been damaged by a city vehicle will have the mailbox replaced by city employees to meet minimum postal service requirements. Damage to mailboxes that occurs due to heavy, wet, or windrowed snow will not be compensated by the City of Kirksville.

Section 7. To amend Article IV of Chapter 21 – Streets and Sidewalks, as follows:

Article IV – Building Numbering

Sec. 21-74 Minimum height for figures.

The figures used in numbering structures or dwellings shall not be less than ~~two and one-half (2 1/2)~~ **four (4)** inches in height.

Section 8. This ordinance shall be of full force and effect on the day of passage.

Councilmember Russell moved to approve Bill No. 2015-15 on second reading; seconded by Councilmember Steele. Motion carried: Ayes – Councilmember Mills, Russell and Steele. Noes – Mayor Moritz and Councilmember Detweiler.

BILL NO. 2015-16

ORDINANCE NO. 12150

AN ORDINANCE AMENDING CHAPTER 7 - CEMETERIES - OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, REGARDING RULES AND REGULATIONS.

WHEREAS, it is necessary to make some changes to the rules and regulations of the Forest-Llewellyn Cemetery to provide for the proper setting of markers; and

WHEREAS, to make changes for flowers and flags placement to allow for the safety of city employees when mowing and maintaining the Cemetery grounds.

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

Section 1. That Section 1 of Article 1, of Chapter 7, be amended to read:

ARTICLE I. - IN GENERAL

Sec. 7-1. - [Forest-Llewellyn Cemetery.]

(5) *Markers.* The space available for a marker is five (5) feet. **No more than seventy (70%) percent of the five (5) foot space can be used for a marker.** A one (1) foot base **space** should be allowed between the head of the grave and the marker.

Notice must be given to the City of Kirksville Public Works Department prior to placement of a marker.

- a. *Material of markers.* All markers shall be first-quality granite, marble or bronze. No foot markers shall be allowed unless otherwise stated.
- b. *Prohibited materials.* Markers made of concrete, artificial stone, wood, tin or iron shall not be permitted. The only exception shall be the temporary markers placed by the funeral directors for the purpose of identifying the interment.
- c. *Installation.* Only licensed monument dealers/builders, city employees or city-approved agents shall install or erect monuments and markers in the cemetery.
- d. *Damaged or deteriorated.* When any monument or marker becomes unsightly, damaged or deteriorated, the city shall do what it can within the resources available to have the monument or marker repaired or removed.
- e. *Cremation markers.* If the cremain is inurned at the foot of the grave, a foot marker will be allowed, so long as all rules and regulations are followed for a traditional burial space.

- f. *Military markers.* The city will adhere to the department of veterans affairs standards for all federally supplied markers.

(6) *Decorations.*

- a. *Flowers.* Flowers (~~fresh/artificial~~) will be allowed at anytime on a burial space, except when otherwise prohibited.
- b. *Winter decorations.* Winter decorations consisting of wreaths and headstone sprays are allowed from November 1 to April 1.
- c. *Flags.* Flags may only be placed at burial spaces by military officials and/or their agents. **Flags will be removed by the city after two (2) weeks of a holiday observance, unless a flag is damaged whereupon it will be removed immediately.**
- d. *Permitted.* ~~Vases on a marker, shepherd hooks placed in the ground against the marker and statues of a size that can be placed fully~~ **adhered or attached** on the marker are the only other decorations allowed at a burial space.
- e. *Prohibited.* Unless otherwise stated, all other decorations will be prohibited including, but not limited to: Solar lights, **shepherd hooks of any size**, statues, figurines, vases, pottery, ceramics, wind chimes, decorative rocks, wood chips, landscape timbers, furniture, Christmas trees, ornaments, trinkets, adornments, borders, flag poles and banners.
- f. Flowers placed on a burial space for Memorial Day and Independence Day must be removed after two (2) weeks of each holiday, or they will be discarded by the city.

~~Flags will be removed by the city after two (2) weeks of the Memorial Day observance, unless a flag is damaged whereupon it will be removed immediately.~~

- (7) *Plantings.* ~~The planting of one (1) peony may be allowed on either side of the marker. Prior to planting, approval must be obtained from the public works director.~~ **No plantings of any kind will be allowed.**

- (8) *Trust fund.* All revenue derived from lot sales, perpetual care fees and donations will be deposited in the cemetery trust fund, with only interest earned on said funding being used for the operation and care of the cemetery.

Individual donations are tax deductible under Section 170 of the IRS Code.

Section 2. This Ordinance shall become effective on the date of its passage.

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.

Councilmember Detweiler moved to approve Bill No. 2015-16 on second reading; seconded by Councilmember Mills. Motion carried: Ayes – Councilmember Detweiler, Mills, Russell and Steele. Noes – Mayor Moritz.

Council Comments

None.

Adjournment

There being no further business to come before the Council, Councilmember Mills moved to adjourn to an Executive Session regarding a Litigation Matter, RsMO 610.021(1); seconded by Councilmember Steele. The City Clerk called a Roll Call vote and the motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

Mayor Moritz adjourned the meeting at 6:45 p.m. to an Executive Session.

Vickie Brumbaugh, CMC MRCC
CityClerk