

JOURNAL OF THE CITY COUNCIL

Regular Session – June 4, 2012

COUNCIL & STAFF PRESENT:

Richard Detweiler	Mayor
Tony Fajkus	Councilmember
Robert L. Russell	Councilmember
Mari E. Macomber	City Manager
Howard Hickman	City Attorney
Vickie Brumbaugh	City Clerk
John Buckwalter	Public Works Director
Jim Hughes	Police Chief
Katie Myers	Finance Director
Melanie Smith	Assistant City Manager

Absent:

Roger A. Edge	Councilmember
Jerry Mills	Councilmember

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, June 4, 2012, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Major Elmer Trapp, of the Salvation Army, gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

MINUTES

Councilmember Fajkus moved to approve the minutes of the regular session of May 21, 2012; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

ORDER OF AGENDA

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

INFORMATION PRESENTATION

Mayor Detweiler opened the Public Hearing at 6:04 p.m. regarding the LWCF grant for Jaycee Park renovations.

Melanie reported the City is seeking grant funds to assist with the renovation of Jaycee Park to include replacement of playground equipment and impact material, drainage improvements, ADA accessibility improvements and landscaping.

There being no further comments, Mayor Detweiler closed the Public Hearing at 6:06 p.m.

CITIZEN PARTICIPATION

None.

UNFINISHED BUSINESS

None.

ACTION PRESENTATIONS

BILL NO. 2012-29

RESOLUTION NO. R6-4-652

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE PROJECT APPLICATION FOR THE 2012 MISSOURI LAND AND WATER CONSERVATION FUND GRANT.

WHEREAS, the City of Kirksville is an expanding city in the growing county of Adair, and

WHEREAS, the City deems it necessary to improve a public park to serve its citizens as well as the traveling public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, as follows:

1. That a project application be prepared and submitted to the Department of Natural Resources, Division of State Park's Grants Management Section for the Land and Water Conservation Fund (LWCF) Grant Round Fiscal Year 2012.
2. The Mayor, City Council, City Manager and Assistant City Manager, be authorized, and hereby authorize those persons listed below to sign and execute the necessary documents for forwarding the project proposal application for a grant-in-aid under the LWCF. These persons are also hereby authorized to sign the project agreement, subsequent amendments and other necessary documents between the City of Kirksville and the State of Missouri.
3. If a grant is awarded, the City of Kirksville accepts all responsibilities under the LWCF regulations. This includes, but is not limited to, project site to be protected by the LWCF rules and regulations in perpetuity, maintenance of the park for public outdoor recreation purposes, compliance with the provisions of Title VI of the Civil Rights Act of 1964, underground wiring of all telephone and electrical wires under 15 KV within the park both under this project and in the future, provisions of facilities which are accessible to and usable by people with special needs.

Councilmember Fajkus moved to approve Bill No. 2012-29; seconded by Councilmember Russell.

The grant will pay up to \$75,000 of the project costs, and the City's Capital Improvement Sales Tax would pay 55% of the total project balance, estimated to be no more than \$30,000. Parks/Street Maintenance would pay \$5,000 and the City would also contribute up to \$10,000 in in-kind services. Construction to begin in 2013.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

BILL NO. 2012-30

AN ORDINANCE DETERMINING CAPTURE OF ECONOMIC ACTIVITY TAXES OF BUSINESSES OF KIRKSVILLE THAT RELOCATED TO THE DOWNTOWN TAX INCREMENT FINANCING REDEVELOPMENT AREA AFTER DECEMBER 27, 1999.

Councilmember Fajkus moved to approve Bill No. 2012-30 on first reading; seconded by Councilmember Russell.

The Downtown Tax Increment Finance District was approved in 1999. Each time a business moves into the Downtown TIF District, it has to be determined why they relocated to capture any revenues generated from relocation. Maxine's Back to Nature recently moved due to Maxine's son buying the building and the opportunity to reduce rent.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

BILL NO. 2012-31

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND TRAFFIC.

Councilmember Fajkus moved to approve Bill No. 2012-31 on first reading; seconded by Councilmember Russell.

A new business, Frito Lay, located at Novinger and Emmett Streets requires delivery trucks to and from the property. Due to the ball season at the ball park, people park cars along Emmett and Novinger, making it difficult for the business to maneuver vehicles in and out of their property. It is recommended to restrict parking in a certain section of Emmett Street.

Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

Liquor License Renewals

Councilmember Fajkus moved to approve the renewal of liquor licenses for the merchants holding said licenses for the annual period commencing July 1, 2012; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

This is the first round of licenses with 29 businesses asking for 43 licenses.

Board of Adjustment Appointments

Councilmember Fajkus moved to appoint Doyle Dover to the Board of Adjustment, and David Norman as Alternate, and the reappointment of Gary Rogers as an alternate for

five-year terms; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

KIDA Appointments

Councilmember Fajkus moved to appoint Tim Crist to the Kirksville Industrial Development Authority (KIDA); seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

Second Reading of Ordinances

BILL NO. 2012-30

ORDINANCE NO. 12005

AN ORDINANCE DETERMINING CAPTURE OF ECONOMIC ACTIVITY TAXES OF BUSINESSES OF KIRKSVILLE THAT RELOCATED TO THE DOWNTOWN TAX INCREMENT FINANCING REDEVELOPMENT AREA AFTER DECEMBER 27, 1999.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "Act"), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the Act; and

WHEREAS, after due deliberation, the City Council approved the Redevelopment Plan and designated the Redevelopment Area as a "redevelopment area" pursuant to the Act; and

WHEREAS, it is necessary and desirable and in the best interest of the City to determine whether existing Kirksville businesses who relocate to the Redevelopment Area after the approval date of December 27, 1999, did so as a result of the Redevelopment Plan; and

WHEREAS, in so determining approves the capture of the economic activity taxes (EATS) of those businesses.

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

Section 1. That Maxine's Back to Nature Health Store, located outside the Redevelopment Area relocated to the Redevelopment Area after December 27, 1999.

Section 2. After discussing the reason for the relocation with business representatives, it was determined that Maxine's Back to Nature Health Store did not relocate as a result of the Redevelopment Plan and therefore no economic activity taxes of this business will not be captured.

Section 3. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council and approval by the Mayor.

BILL NO. 2012-31

ORDINANCE NO. 12006

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND TRAFFIC.

WHEREAS, a new private building project required a review of the parking regulations in the area of Novinger Street and Emmet Street; and

WHEREAS, that review, in consultation with the City Engineer, identified issues with existing parking; and

WHEREAS, the recommended changes would resolve the issues as identified.

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

Section 1. That Chapter 15, Section-345 of the code is amended as follows:

Add - Emmett Street, north side, for a distance of 78 feet from the west curb of Novinger.

Add - Emmett Street, south side, for a distance of 160 feet from the west curb of Novinger.

Add - Novinger Street, west side, for a distance of 69 feet south of the south curb of Emmett.

Section 2. The modifications to this ordinance shall be effective as of June 15, 2012.

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.

Councilmember Fajkus moved to approve Bill No. 2012-30 and 2012-31 on second reading; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

Council Comments

None.

Adjournment

There being no further business to come before the Council, Councilmember Fajkus moved to adjourn to an Executive Session regarding a Real Estate Matter, RsMO 610.021(2); seconded by Councilmember Russell. The City Clerk conducted a Roll Call vote and motion carried: Ayes – Mayor Detweiler; Councilmembers Fajkus and Russell. Noes – 0. Absent: Councilmembers Edge and Mills.

[The Council agenda listed a Legal Matter, but the City Manager explained that her intention and reason for the Executive Session was to discuss a Real Estate Matter. City Attorney Hickman pointed out that the proper 24-hour notice was given, and encouraged to proceed with the Executive Session.]

Mayor Detweiler declared the meeting adjourned at 6:20 p.m. to an Executive Session.

Vickie Brumbaugh, CMC MRCC
City Clerk