

**COUNCIL & STAFF PRESENT:**

Richard Detweiler	Mayor
Tony Fajkus	Councilmember
Roger A. Edge	Councilmember
Jerry Mills	Councilmember
Robert L. Russell	Councilmember
Howard Hickman	City Attorney
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
Randy Behrens	Fire Chief
John Buckwalter	Public Works Director
Jim Hughes	Police Chief
Brad Selby	Codes Administrator
Melanie Smith	Assistant to City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, March 4, 2013, at 6:00 p.m. in the City Hall Council Chambers.

**INVOCATION and PLEDGE**

Lt. Brian Bump, of the Salvation Army, gave the Invocation. The Girl Scouts led the Pledge of Allegiance.

**MINUTES**

Councilmember Fajkus moved to approve the minutes of the regular session of February 4 and Special Session of February 19, 2013; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**ORDER OF AGENDA**

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

**INFORMATION PRESENTATION**

None.

**CITIZEN PARTICIPATION**

None.

**UNFINISHED BUSINESS**

None.

## **ACTION PRESENTATIONS**

**BILL NO. 2013-09**

**RESOLUTION NO. R3-4-666**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI EXPRESSING OPPOSITION TO SENATE BILL 13 AND SUPPORT FOR THE MISSOURI SOLID WASTE DISTRICTS.**

WHEREAS, the City Council of the City of Kirksville, Missouri recognizes the value of recycling in the city and in other rural cities across Missouri; and,

WHEREAS, the recycling program in the City of Kirksville began in 1997 with a grant from the Northeast Missouri Solid Waste District; and,

WHEREAS, eliminating Missouri Solid Waste Districts would reduce opportunities for recycling in rural Missouri by putting grant funds out of reach for many smaller cities; and,

WHEREAS, private solid waste haulers have no obligation to offer recycling services under current Missouri laws.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kirksville, Missouri that the governing body hereby expresses its opposition to Senate Bill 13.

THEREFORE, BE IT FURTHER RESOLVED that the Mayor of Kirksville, Missouri, hereby expresses the support of the Kirksville City Council for Missouri Solid Waste Districts as organized under existing State statutes.

Councilmember Fajkus moved to approve Bill No. 2013-09; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**BILL NO. 2013-10**

**RESOLUTION NO. R3-4-667**

**A RESOLUTION RE-APPOINTING TWO CITY REPRESENTATIVES TO THE MISSOURI SOLID WASTE MANAGEMENT COUNCIL.**

WHEREAS, on July 9, 1990, Missouri Governor John Ashcroft signed Senate Bill 530, now known as Missouri's solid waste management law, which is designed to foster local government cooperation to reduce the volume of landfill solid waste in Missouri by 40 percent by 1998; and

WHEREAS, the City of Kirksville has joined its neighbor counties in establishing the Northeast Missouri Solid Waste Management District; and

WHEREAS, the governing body of each City, over 500 population, within the district shall appoint one member of the City governing body to the Solid Waste Management Council and one member of the City governing body as an alternate.

NOW, THEREFORE, BE IT RESOLVED THAT THE City of Kirksville hereby requests that Roger Edge, being duly elected City official, shall represent the City of Kirksville on the Northeast Missouri Solid Waste Management Council; with Mari Macomber, a City official, representing the City as an alternate.

Councilmember Fajkus moved to approve Bill No. 2013-10; seconded by Councilmember Edge.

Councilmember Edge was first appointed in March 2012 to fulfill an unexpired term. Mari Macomber was appointed in March 2012 as an alternate after the Bylaws were changed to include an alternate official.

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

**BILL NO. 2013-11**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE KIRKSVILLE CITY CODE BY CREATING THE FRIENDS OF THE FOREST-LLEWELLYN CEMETERY COMMITTEE.**

Councilmember Fajkus moved to approve Bill No. 2013-11 on first reading; seconded by Councilmember Edge.

This Committee will be asked to come up with fund raising ideas to assist with the preservation and restoration of the Cemetery.

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

**BILL NO. 2013-12**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE LOCATED AT 1009 E. PIERCE STREET HEREIN FROM R-2 TWO FAMILY RESIDENTIAL ZONING TO CP-1 PLANNED LOCAL BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

Councilmember Fajkus moved to approve Bill No. 2013-12 on first reading; seconded by Councilmember Edge.

Caleb Sturm, property owner of 1009 East Pierce, also owns an adjacent business at 320 South Baltimore, former Banner Tire business, and now called Kirksville Autoworks. Mr. Sturm wishes to use the empty lot for vehicle parking for his employees and customers. One person spoke in opposition at the Planning and Zoning Commission's meeting. Planning and Zoning approved the request with some stipulations, including an 8 ft wooden privacy fence be installed around the lot on the north, west and south. Mr. Sturm was present and requested an opportunity to present his idea for a different type of fence. He asked that an 8 ft chain link fence with vinyl inserts be considered, instead of the wooden fence.

Councilmember Fajkus moved to approve an amendment to the Ordinance stipulation that Mr. Sturm be required to have an 8 ft chain link fence with vinyl inserts installed around the lot on the north, west and south sides; seconded by Councilmember Edge.

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

The motion to approve Bill No. 2013-12, as amended, carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**BILL NO. 2013-13**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1212 MICHIGAN STREET IN KIRKSVILLE, MISSOURI.**

Councilmember Fajkus moved to approve Bill No. 2013-13 on first reading; seconded by Councilmember Edge.

Wayne Kirby, property owner of 1212 Michigan Street, has requested a lot split creating a third lot. There are two houses on the property, and this would allow for him to sell one of the houses.

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

**BILL NO. 2013-14**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1702 N. ELSON STREET IN KIRKSVILLE, MISSOURI.**

Councilmember Fajkus moved to approve Bill No. 2013-14 on first reading; seconded by Councilmember Edge.

The Church of God Holiness, property owner at the 1600 and 1700 blocks of North Elson, consisting of approximately 10 acres, is requesting a lot split so that one tract of land can be sold.

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

**BILL NO. 2013-15**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 2513 SAWGRASS STREET IN KIRKSVILLE, MISSOURI.**

Councilmember Fajkus moved to approve Bill No. 2013-15 on first reading; seconded by Councilmember Edge.

Dave Petree, property owner at 2513 Sawgrass Street, has requested a lot split to allow adjacent property owners to purchase property to combine with their existing properties.

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

**Bid – Two-wheel Drive Truck for Animal Control**

Councilmember Fajkus moved to approve the purchase of a 2013 ¾ ton two-wheel drive truck with chassis mounted animal control unit from Lovegreen Ford; seconded by Councilmember Edge.

The low bid was from Republic Ford at \$32,597, but a local dealer – Lovegreen Ford – met the local preference at \$32,761.52.

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

**Bid – Water Pipe & Fittings**

Councilmember Fajkus moved to approve a bid for pipe, valves and fittings for water main construction and repair from Water and Sewer supply of Columbia; seconded by Councilmember Edge.

There was an error on the size of pipe on the bid form. Therefore, the 8-inch pipe will be rebid. Water and Sewer Supply was the low bidder at \$130,616.90 for the remaining items.

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

**Bid – Trench Rescue Equipment**

Councilmember Fajkus moved to approve the bid from Ed M. Feld Fire Equipment Company for the purchase of Paratech Trench Rescue equipment; seconded by Councilmember Edge.

The low bid was at \$10,862. MIRMA will pay for a portion of the equipment at \$6,631.

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

**Bass Club Tournaments at Forest Lake & Hazel Creek Lake**

Councilmember Fajkus moved to approve a request from the 1000 Hills Bass Club for use of Forest Lake and Hazel Creek Lake (including the use of 90 hp motors at idle speed at Forest Lake only) during the Club's four scheduled tournaments; seconded by Councilmember Edge.

The tournaments are on April 28, June 15, August 31 and October 20.

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

**Red Barn Arts & Crafts Festival - Use of Streets**

Councilmember Fajkus moved to approve a request from the Kirksville Arts Association for the use of downtown city streets on September 21 for the Red Barn Arts and Crafts Festival ; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**St. Patty's Day Parade & 5K Run – Use of Streets**

Councilmember Fajkus moved to approve a request for the use of City streets for the St. Patty's Day parade and 5K Run; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**Solid Waste Management Council Re-appointments**

Councilmember Fajkus moved to approve the re-appointment of Roger Edge as Representative and Mari Macomber as Alternate, to the Executive Board of the Northeast Missouri Solid Waste Management Council; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**Friends of Forest-Llewellyn Cemetery Appointments**

Councilmember Fajkus moved to appoint Dwight Buckingham, Betty McLane-Iles, Jason Haxton and Larry Olson to the newly created Friends of the Forest-Llewellyn Cemetery Committee; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**Second Reading of Ordinances**

**BILL NO. 2013-11**

**ORDINANCE NO. 12044**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE KIRKSVILLE CITY CODE BY CREATING THE FRIENDS OF THE FOREST-LLEWELLYN CEMETERY COMMITTEE.**

WHEREAS, Kirksville's Forest-Llewellyn Cemetery represents the social, political, cultural and military history of our great City. Monuments serve as both the repository of the past and the inspiration for the future. Cemeteries give us the ability to move forward while remembering those who have made our way possible. They also offer endless opportunity for historical, artistic, architectural and genealogical pursuits.

WHEREAS, there is great need for funding to help restore and preserve the Forest-Llewellyn Cemetery. The ravages of time, weather and, unfortunately, occasional vandalism topples monuments, collapses tombs and wreaks havoc on the cemetery. Repairs are very expensive and little maintenance to this part of the cemetery has taken place due to limited funds, and there is no shortage to the number of repairs that are needed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirksville, Missouri, that Chapter 7 of the City Code be amended with the following addition:

Section 1. Cemetery Committee.

The Friends of Forest-Llewellyn Cemetery is founded to assist in the restoration and preservation of Forest-Llewellyn Cemetery. As a member of this organization, members are expected to prioritize renovations, establish long-range maintenance plans to repair broken monuments, damaged statuary, and collapsed tombs; replace dead trees; and renovate the entryway into the Cemetery.

The Friends of Forest-Llewellyn Cemetery will work with Kirksville City staff and other community organizations to ensure that the Cemetery is preserved for the education and appreciation of future generations.

The Friends of Forest Llewellyn Cemetery will develop and disseminate educational information to the general public generating both an awareness and appreciation for the historical significance of this local landmark.

The Friends of Forest-Llewellyn Cemetery will identify and establish fund raising events and activities that will be outlined in an annual calendar of events.

Section 2. Committee Membership.

The membership appointment to the Friends of the Forest-Llewellyn Cemetery will be made by the Mayor with consent of the City Council. No membership terms will be established.

Staff support will be provided by the City Manager, City Clerk and Public Works Director.

Section 3. This Ordinance shall become effective upon its passage.

Section 4. 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. 2013-12**

**ORDINANCE NO. 12045**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI REZONING REAL ESTATE LOCATED AT 1009 E. PIERCE STREET HEREIN FROM R-2 TWO FAMILY RESIDENTIAL ZONING TO CP-1 PLANNED LOCAL BUSINESS ZONING, AND CHANGING THE ZONING MAP ACCORDINGLY.**

**WHEREAS**, the owner of the property Caleb Sturm has submitted an application for rezoning of a tract of land located at 1009 E. Pierce Street; and

**WHEREAS**, the real estate to be rezoned is hereinafter legally described as:

Lot 7, Block 8, Fible's Addition to Kirksville; and

**WHEREAS**, the request for 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**, the public hearing was held by the Planning and Zoning Commission on February 13, 2013, and three persons spoke in favor of the rezoning and one person spoke in opposition to the rezoning; and

**WHEREAS**, after hearing thereon, the Planning and Zoning Commission voted to approve the rezoning request for designation to CP-1 Planned Local Business Zoning with the owner of the property required to comply with the following stipulations for use of the property:

- 1 – an 8 foot tall chain link fence with vinyl privacy inserts to be installed around the lot on the north, west, and south sides.
- 2 – a lockable gate to be provided on the south side.
- 3 – a hard surface drive to be provided from the edge of Pierce Street to the property line.
- 4 – security lighting to be provided to light the lot and ensure that lighting is not directed toward neighboring residences; and

**WHEREAS**, the Planning and Zoning Commission is forwarding this recommendation on to City Council for their review.

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

That the above described real estate be, and the same is hereby rezoned from, R-2 Two Family Residential Zoning to CP-1 Planned Local Business Zoning and the Zoning District Map as set forth under Article I of Section 25-6 of the Zoning Ordinances of said Code shall be changed accordingly.

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



**BILL NO. 2013-13**

**ORDINANCE NO. 12046**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1212 MICHIGAN STREET IN KIRKSVILLE, MISSOURI.**

**WHEREAS**, a tract of land which is situated in Section 8, Township 62 North, Range 15 West, in the City of Kirksville, Adair County, Missouri has been split into three separate lots; and

**WHEREAS**, the survey has been regularly certified by Mark W. Robertson, licensed surveyor number P.L.S. 2008016665; and

**WHEREAS**, the tracts of land are more particularly described as follows:

Description of Tract 1:

A tract of land situated in the Northeast Fourth of the Southeast Quarter of Section 8, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at a found iron rod being the center of the Southeast Quarter of said section; thence along the East 1/16 section line, North 00 degrees 35 minutes 00 seconds East a distance of 645.02 feet to a found iron rod being the Point of Beginning of the description herein, to wit: Thence continue North 00 degrees 35 minutes 00 seconds East a distance of 156.32 feet to a set iron rod; thence leaving said line, North 89 degrees 52 minutes 21 seconds East a distance of 565.00 feet to a set iron rod; thence South 00 degrees 35 minutes 00 seconds West a distance of 153.21 feet to a set iron rod; thence South 89 degrees 52 minutes 33 seconds West a distance of 150.00 feet to a set iron rod; thence South 00 degrees 35 minutes 00 seconds West a distance of 353.13 feet to a set iron rod on the North right of way line of Michigan Street; thence along said right of way, South 89 degrees 52 minutes 21 seconds West a distance of 167.20 feet to a found iron rod; thence leaving said right of way North 03 degrees 36 minutes 37 seconds West a distance of 160.00 feet to a set iron rod; thence North 40 degrees 10 minutes 06 seconds West a distance of 104.35 feet to a set iron rod; thence North 00 degrees 35 minutes 00 seconds East a distance of 110.00 feet to a found iron rod; thence North 89 degrees 59 minutes 13 seconds West a distance of 167.97 feet to the Point of Beginning. Also a 16.00 foot wide ingress and egress easement across an existing drive being more particularly described as follows: Commencing at a found iron rod being the Southwest corner of Tract 1; thence along the North right of way line of Michigan Street, South 89 degrees 52 minutes 21 seconds West a distance of 54.90 feet to the centerline of said drive, said point also being the Point of Beginning of said easement; thence along the centerline of said easement as follows, North 00 degrees 35 minutes 00 seconds East a distance of 67.06 feet; thence North 16 degrees 06 minutes 15 seconds East a distance of 112.49 feet to the Point of Ending on the Southwesterly line of Tract 1. The above tract of land contains 3.67 acres, more or less. Subject to easements and restrictions of record, or not of record, if any.

Description of Tract 2:

A tract of land situated in the Northeast Fourth of the Southeast Quarter of Section 8, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly

described as follows: Commencing at a found iron rod being the center of the Southeast Quarter of said section; thence along the East 1/16 section line, North 00 degrees 35 minutes 00 seconds East a distance of 295.00 feet to a found iron rod on the North right of way line of Michigan Street and also being the Point of Beginning of the description herein, to wit: Thence continue North 00 degrees 35 minutes 00 seconds East a distance of 158.00 feet to a set iron rod; thence leaving said line, North 89 degrees 52 minutes 21 seconds East a distance of 59.00 feet to a set iron rod; thence South 69 degrees 50 minutes 38 seconds East a distance of 112.49 feet to a set iron rod; thence South 00 degrees 35 minutes 00 seconds West a distance of 119.00 feet to a set iron rod on the North right of way line of said street; thence along said right of way, South 89 degrees 52 minutes 21 seconds West a distance of 165.00 feet to the Point of Beginning. The above tract of land contains 0.55 acres, more or less. Subject to easements and restrictions of record, or not of record, if any.

Description of Tract 3:

A tract of land situated in the Northeast Fourth of the Southeast Quarter of Section 8, Township 62 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at a found iron rod being the center of the Southeast Quarter of said section; thence along the East 1/16 section line, North 00 degrees 35 minutes 00 seconds East a distance of 453.00 feet to a set iron rod being the Point of Beginning of the description herein, to wit: thence leaving said line, North 89 degrees 52 minutes 21 seconds East a distance of 59.00 feet to a set iron rod; thence South 69 degrees 50 minutes 38 seconds East a distance of 112.49 feet to a set iron rod; thence South 00 degrees 35 minutes 00 seconds West a distance of 119.00 feet to a set iron rod on the North right of way line of Michigan Street; thence along said right of way, North 89 degrees 52 minutes 21 seconds East a distance of 82.80 feet to a found iron rod; thence leaving said right of way, North 03 degrees 36 minutes 37 seconds West a distance of 160.00 feet to a set iron rod; thence North 40 degrees 10 minutes 06 seconds West a distance of 104.35 feet to a set iron rod; thence North 00 degrees 35 minutes 00 seconds East a distance of 110.00 feet to a found iron rod; thence North 89 degrees 59 minutes 13 seconds West a distance of 167.97 feet to a found iron rod being a point on the East 1/16 section line; thence along said line, South 00 degrees 35 minutes 00 seconds West a distance of 192.02 feet to the Point of Beginning. The above tract of land contains 1.13 acres, more or less. Subject to easements and restrictions of record, or not of record, if any; and

**WHEREAS**, the "Plat" shall be recorded in the Recorder's Office of Adair County, Missouri, showing the complete plat of land created by the Lot Split.

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

That the lot split for the tract of land located as described above at 1212 Michigan Street be hereby approved, and the same is made an addition to the City of Kirksville, Missouri, and the portions thereof dedicated to the public are hereby accepted.

This ordinance shall be effective from and after the date of its passage.

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 1702 N. ELSON STREET IN KIRKSVILLE, MISSOURI.**

**WHEREAS**, a tract of land which is situated in the Northwest Quarter of Section 4, Township 62 North, Range 15 West, Kirksville, Adair County, Missouri has been split into two separate lots; and

**WHEREAS**, the survey has been regularly certified by David W. Borden, licensed surveyor number P.L.S. 2002000244; and

**WHEREAS**, the tracts of land are described as follows:

Tract A Property Description: A tract of land situated in the Northwest Quarter of Section 4, Township 62N, Range 15W, Kirksville, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 4, thence along the half line, North 0 degrees, 03 minutes, 30 seconds East, a distance of 898.31 feet to a point which intersects the North right of way line of Mary Street, thence leaving the half line and along the North right of way line of Mary Street, North 89 degrees, 32 minutes, 40 seconds West, a distance of 757.95 feet to the East right of way line of Elson Avenue; thence along said line North 0 degrees, 01 minutes, 30 seconds East, a distance of 252.02 feet to the POINT OF BEGINNING of the description herein TO WIT: thence continuing along said line, 802.97 feet to appoint at the Southwest corner of Lot 1, Rouse Addition to the City of Kirksville, Missouri; thence along the South line of said Rouse Addition, South 57 degrees, 48 minutes, 10 seconds East, a distance of 316.69 feet; to the Southeast corner of Lot 2, Rouse Addition to the City of Kirksville, Missouri, said point also being the Southwest corner of a tract of land conveyed to the Bank of Kirksville as found in Book 556 at Page 315 in the Recorder of Deeds office in Kirksville, Missouri; thence along South line of said tract, South 72 degrees, 10 minutes, 30 seconds East, a distance of 153.16 feet to the Southeast corner of said tract, said point also being on the property line of a tract of land conveyed to the Bank of Kirksville as found in Book 532 at Page 104-105 in the Recorder of Deeds office in Kirksville, Missouri; thence along a portion of the West line of said tract and continuing along another tract of land conveyed to John W. and Don A. Cable as found in Book 453 at Page 025-027 in the Recorder of Deeds office in Kirksville, Missouri, South 0 degrees, 08 minutes, 40 seconds East, a distance of 475.35 feet to the Southwest corner of said tract; thence along apportion of the South line, South 88 degrees, 26 minutes, 00 seconds East, a distance of 100.00 feet; thence along a portion of the West line of said tract and along another tract of land conveyed to John Anesi as found in Book 947 at page 673-674 in the Recorder of Deeds office in Kirksville, Missouri, South 0 degrees, 17 minutes, 50 seconds East, a distance of 113.37 feet; thence North 89 degrees, 32 minutes, 40 seconds West, a distance of 515.93 feet to the Point of Beginning, containing 6.76 acres more or less, subject to any and all easements, covenants or restrictions of record and any part in roads.

Tract B Property Description: A tract of land situated in the Northwest Quarter of Section 4, Township 62N, Range 15W, Kirksville, Adair County, Missouri and being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 4, thence along the half line, North 0 degrees, 03 minutes, 30 seconds East, a distance of 898.31 feet to appoint which intersects the North right of way line of Mary Street, thence leaving the half line and along the North right of way line of Mary Street, North 89 degrees, 32 minutes, 40 seconds West, a distance of 240.60 feet to the POINT OF BEGINNING of the description herein TO WIT: thence continuing along said line, 517.35 feet to a point on the East right of way line of Elson Avenue; thence along said line, North 0 degrees, 01 minutes, 30 seconds East, a distance of 252.02 feet; thence South 89 degrees, 32 minutes, 40 seconds East, a distance of 515.93 feet; thence South 0 degrees, 17 minutes, 50 seconds East, a distance of 252.04 feet to the Point of Beginning, containing 2.99 acres more or less, subject to any and all easements, covenants or restrictions of record and any part in roads; and

**WHEREAS**, the "Plat" shall be recorded in the Recorder's Office of Adair County, Missouri, showing the complete plat of land created by the Lot Split.

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

That the lot split for the tract of land located as described above at 1702 North Elson Street be hereby approved, and the same is made an addition to the City of Kirksville, Missouri, and the portions thereof dedicated to the public are hereby accepted.

This ordinance shall be effective from and after the date of its passage.

**BILL NO. 2013-15** **ORDINANCE NO. 12048**  
**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING A LOT SPLIT WHICH IS PART OF A TRACT OF LAND LOCATED AT 2513 SAWGRASS STREET IN KIRKSVILLE, MISSOURI.**

**WHEREAS**, a tract of land which is situated in Lot 40 of The Villages, City of Kirksville, Adair County, Missouri has been split into three separate lots; and

**WHEREAS**, the survey has been regularly certified by Mark W. Robertson, licensed surveyor number P.L.S. 2008016665; and

**WHEREAS**, the tracts of land are more particularly described as follows:

Description of Lot 52A: A tract of land situated in Lot 40 of The Villages, City of Kirksville, Adair County, Missouri and being more particularly described as follows: Commencing at a found iron rod being the Northwest corner of Lot 52 of The Villages; thence along the West line of The Villages, South 00 degrees 07 minutes 15 seconds West a distance of 225.00 feet to a set iron rod being the Point of Beginning of the description herein to wit: Thence leaving said line, South 89 degrees 44 minutes 12

seconds East a distance of 149.94 feet to a set iron rod; thence South 24 degrees 13 minutes 16 seconds East a distance of 117.02 feet to a set iron rod; thence North 89 degrees 27 minutes 23 seconds West a distance of 198.18 feet to a set iron rod on the West line of The Villages; thence along said line, North 00 degrees 07 minutes 15 seconds East a distance of 105.53 feet to the Point of Beginning. The above tract of land contains 0.42 acres, more or less. Subject to easements and restrictions of record, or not of record, if any.

Description of Lot 51A: A tract of land situated in Lot 40 of The Villages, City of Kirksville, Adair County, Missouri and being more particularly described as follows: Commencing at a found iron rod being the Northwest corner of Lot 52 of The Villages; thence along the West line of The Villages, South 00 degrees 07 minutes 15 seconds West a distance of 330.53 feet to a set iron rod being the Point of Beginning of the description herein to wit: Thence leaving said line, South 89 degrees 27 minutes 23 seconds East a distance of 198.18 feet to a set iron rod; thence South 26 degrees 25 minutes 03 seconds East a distance of 218.77 feet to a set iron rod; thence North 89 degrees 27 minutes 23 seconds West a distance of 295.93 feet to a set iron rod on the West line of The Villages; thence along said line, North 00 degrees 07 minutes 15 seconds East a distance of 195.00 feet to the Point of Beginning. The above tract of land contains 1.11 acres, more or less. Subject to easements and restrictions of record, or not of record, if any.

Description of Lot 40A: A tract of land situated in Lot 40 of The Villages, City of Kirksville, Adair County, Missouri and being more particularly described as follows: Commencing at a found iron rod being the Northwest corner of Lot 52 of The Villages; thence along the West line of The Villages, South 00 degrees 07 minutes 15 seconds West a distance of 525.53 feet to a set iron rod being the Point of Beginning of the description herein to wit: Thence leaving said line, South 89 degrees 27 minutes 23 seconds East a distance of 295.93 feet to a set iron rod; thence South 26 degrees 25 minutes 03 seconds East a distance of 370.28 feet; thence South 25 degrees 45 minutes 13 seconds West a distance of 381.49 feet to a set iron rod; thence 105.14 feet along an arc to the left with a radius of 60.00 feet and a chord that bears South 67 degrees 57 minutes 49 seconds West a distance of 92.20 feet to a set iron rod; thence North 83 degrees 20 minutes 10 seconds West a distance of 212.32 feet to a set iron rod on the West line of The Villages; thence along said line, North 00 degrees 07 minutes 15 seconds East a distance of 687.97 feet to the Point of Beginning. The above tract of land contains 5.99 acres, more or less. Subject to easements and restrictions of record, or not of record, if any; and

**WHEREAS**, the two lots under consideration are landlocked, the adjacent landowners Robert & Susan Schneider and Doug and Traci Kelly have agreed to purchase the lot that is adjacent to each of their properties and will combine it with their existing residential lot, to meet city lot split requirements; and

**WHEREAS**, the "Plat" shall be recorded in the Recorder's Office of Adair County, Missouri, showing the complete plat of land created by the Lot Split.

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

That the lot split for the tract of land located as described above at 2513 Sawgrass Street be hereby approved, and the same is made an addition to the City of Kirksville, Missouri, and the portions thereof dedicated to the public are hereby accepted.

This ordinance shall be effective from and after the date of its passage.

Councilmember Fajkus moved to approve Bill Nos. 2013-11, 2013-12, 2013-13, 2013-14 and 2013-15 on second reading; seconded by Councilmember Edge. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

**Council Comments**

None.

**Adjournment**

There being no further business to come before the Council, Councilmember Fajkus moved to adjourn to an executive session re: a legal matter, RsMO 610.021(1) and a personnel matter, RsMO 610.021(3); seconded by Councilmember Edge. The City Clerk took a Roll Call vote and the motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Fajkus, Mills and Russell. Noes – 0.

Mayor Detweiler adjourned the meeting at 6:30 p.m. to an Executive Session.

Vickie Brumbaugh, CMC MRCC  
City Clerk