

JOURNAL OF THE CITY COUNCIL

Regular Session – July 15, 2013

COUNCIL & STAFF PRESENT:

Richard Detweiler	Mayor
Roger A. Edge	Councilmember
Glen Moritz	Councilmember
Robert L. Russell	Councilmember
Mari Macomber	City Manager
Vickie Brumbaugh	City Clerk
Jim Hughes	Police Chief
Ed leans	City Engineer & Acting Public Works Director
Katie Myers	Finance Director
Brad Selby	Codes Administrator
Absent: Jerry Mills Councilmember	
Howard Hickman	City Attorney

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, July 15, 2013, at 6:00 p.m. in the City Hall Council Chambers.

INVOCATION and PLEDGE

Reverend Jim Pitney, of the First Christian Church, gave the Invocation. The Mayor and Council led the Pledge of Allegiance.

MINUTES

Councilmember Edge moved to approve the minutes of the regular session of July 1, 2013; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Moritz and Russell . Noes – 0. Absent – Councilmember Mills

ORDER OF AGENDA

Councilmember Edge moved to approve the Order of the Agenda; seconded by Councilmember Russell.

City Manager Mari Macomber announced that Item no. 1 under Action Presentations - Resolution of Appreciation to Tim King – will be moved to the August 5 meeting. A motion will be listed as Item no. 1 – Motion authorizing the payment of a fine to the U.S. EPA for a violation of the City's industrial pretreatment program, and authorizing the execution of documents as required.

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

INFORMATION PRESENTATIONS & PUBLIC HEARING

None.

CITIZEN PARTICIPATION

Bryar Keyes said it is not fair to fire someone because they are gay.

Bill Otten has spent 40 years with the Conservation Department, and is gay.

John Hanley has lived in Kirksville for ten years, has worked with homosexuals and never experienced any issues. He asked why are we trying to change something when there is no problem?

Matthew McAuley asked the Council to revisit the Ordinance.

Greg Ricciter teaches at TSU, is not in agreement with Council's decision.

Maria Evans, KCOM faculty member, said that prospective medical students ask how they will be treated when they are gay or lesbian.

Madison Chambers, a TSU student, has friends, classmates, and professors being terrified of their future in Missouri.

Sherri Palmer teaches LGBT psychology, surveyed 44 businesses and 43 of those have LGBT non-discrimination policies.

Dereck Daschke, said he is a biblical scholar.

Bertha Thomas moved to Kirksville 21 years ago, and is a TSU professor.

Jessica Cashion approached the Council regarding the issue.

Paul Kissick is against the Ordinance. He does not like having to accept values he considers are immoral.

Jeff Jachura said the discrimination Ordinance issue has caused a lot of division in the community. He encouraged the Council to move on and hold firm to their decision. Other cities have law suits.

Tim Mills said that people come here to live because of values. He is against the Ordinance.

ACTION PRESENTATIONS

Councilmember Edge moved to authorize the payment of a fine to the United States EPA for a violation of the City's industrial pretreatment program, and authorizing the execution of documents as required; seconded by Councilmember Russell.

Mari Macomber explained that the City failed to conduct a couple of inspections on its industrial treatment program in the past several years. The U.S. Environmental Protection Agency is fining the city \$8,500.

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

BILL NO. 2013-46

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE VACATION OF A UTILITY EASEMENT IN THE TOMICH SUBDIVISION AND KILMER'S THIRD ADDITION SUBDIVISION.

Councilmember Edge moved to adopt Bill No. 2013-46 on first reading; seconded by Councilmember Moritz.

Preferred Family Healthcare is the owner of Lots 1 thru 4 of Tomich Subdivision and all lots of Kilmer's Third Addition Subdivision at the corners of Osteopathy, Elizabeth and Luther Streets. There is a utility easement running north and south through the property. There are currently no utilities in this utility easement.

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

Street Use for Bacon Festival – September 28

Councilmember Edge moved to approve a request for the use of a City street for the Bacon Festival on Washington Street, between Elson and Franklin Streets, on September 28; seconded by Councilmember Russell.

The request is also for exclusive use of the parking lot on the north side of the Courthouse. The activities will be on the Courthouse lawn. Farmers Market vendors will be allowed to stay until 2:00 p.m. on this day.

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

Airport & Transportation Commission Re-appoint Blankenship

Councilmember Edge moved to re-appoint Lynn Blankenship to another three-year term on the Airport and Transportation Commission; seconded by Councilmember Moritz.
Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Moritz and Russell .
Noes – 0. Absent – Councilmember Mills

Lakes, Parks & Recreation Commission Appoint Barlow

Councilmember Edge moved to appoint Tommy Barlow to fill an unexpired term on the Lakes, Parks and Recreation Commission; seconded by Councilmember Moritz. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Moritz and Russell . Noes – 0. Absent – Councilmember Mills

Second Reading

BILL NO. 2013-46

ORDINANCE NO. 12069

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, APPROVING THE VACATION OF A UTILITY EASEMENT IN THE TOMICH SUBDIVISION AND KILMER'S THIRD ADDITION SUBDIVISION.

WHEREAS, Preferred Family Healthcare, the owners of a plat of land containing Lots 1 thru 4 of Tomich's Subdivision and all of Kilmer's Third Addition Subdivision are petitioning for the closure of a utility easement located at the joining boundary between these two Subdivisions; and

WHEREAS, the legal description of the easement to be vacated is more particularly described as:

A tract of land being a portion of a 20 foot wide utility easement, being located in all of Lots 1, 2,3, and 4 of "Tomich Subdivision", as recorded in Plat Book 511, page 45 and also a tract of land situated in Lot 1 of the fractional Northwest quarter of Section 4, Township 62 North, Range 15 West, all being located in the City of Kirksville, Adair County, Missouri, and being more particularly described as follows:

Commencing at a point being the northeast intersection of Osteopathy (50 feet wide) Street and West Elizabeth (50 foot wide) Street, said point also being the southwest corner of Lot 1 of said "Tomich Subdivision" thence along the north right-of-way line of said West Elizabeth (50 foot wide) Street South 88 degrees 14 minutes 57 seconds East a distance of 105.07 feet to the point of beginning of the herein described tract of land; thence leaving said North right-of-way line North 00 degrees 18 minutes 19 seconds West a distance of 333.82 feet to a point; thence North 89 degrees 39 minutes 49 seconds East a distance of 10.00 feet to a point; thence North 00 degrees 18 minutes 19 seconds West a distance of 10.00 feet to a point being the northeast corner of Lot 4 of said "Tomich Subdivision" and also being the south line of property conveyed to Woesman Properties, LLC by deed recorded in Deed Book 847, Page 145 of the Adair County records; thence along said South line North 89 degrees 39 minutes 49 seconds East a distance of 10.00 feet to a point; thence South 00 degrees 18 minutes 19 seconds East a distance of 344.55 feet to a point being said North right-of-way line of said West Elizabeth (50 foot wide) Street; thence along said North right-of-way line North 88 degrees 14 minutes 57 seconds West a distance of 20.01 feet to the point of beginning of this description and containing 6,784 square feet or 0.16 acres; and

WHEREAS, Ameren UE representing electric service, Liberty Utilities representing gas service, and AT&T representing telephone service have all submitted and signed a vacation consent form for the release of the easement; and

WHEREAS, the City of Kirksville does not have any utilities in the above described easement area; and

WHEREAS, the owner of the property, Preferred Family Healthcare has future plans for development of this block of land and will be providing alternate utility easement locations with their site plans that will be dedicated to the city.

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

That the petition for the vacating of the above described utility easement on the Tomich Subdivision property and the Kilmer's Third Addition Property 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 of full force and effect from and after the date of its passage.

Councilmember Edge moved to adopt Bill No. 2013-46 on second reading; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Moritz and Russell . Noes – 0. Absent – Councilmember Mills

Adjournment

There being no further business to come before the Council, Councilmember Edge moved to adjourn; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Detweiler; Councilmembers Edge, Moritz and Russell. Noes – 0. Absent – Councilmember Mills

Mayor Detweiler adjourned the meeting at 7:02 p.m.

Vickie Brumbaugh, CMC MRCC
City Clerk