

## **JOURNAL OF THE CITY COUNCIL**

*Regular Session – August 4, 2014*

### **COUNCIL & STAFF PRESENT:**

Glen Moritz	Mayor
Richard Detweiler	Councilmember
Jerry Mills	Councilmember
Robert L. Russell	Councilmember
Rick Steele	Councilmember
Howard Hickman	City Attorney
Vickie Brumbaugh	City Clerk
Ashley Young	Acting City Manager
Alan Griffiths	Public Works Director
Brad Selby	Code Administrator
Glenn Balliew	Airport Director
Jim Hughes	Police Chief
Tom Collins	Fire Chief
Pat Meredith	Human Resource Director
Sarah Halstead	Community Services Director

Absent: Mari E. Macomber, City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, August 4, 2014, at 6:00 p.m. in the City Hall Council Chambers.

### **INVOCATION and PLEDGE**

Brother Richard Crispell of the Church of Christ provided the Invocation. Mayor Moritz and the Council led the Pledge of Allegiance.

### **MINUTES**

Councilmember Russell moved to approve the minutes of the regular session of July 21, 2014; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

### **ORDER OF AGENDA**

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

### **INFORMATION PRESENTATIONS & PUBLIC HEARING**

Mayor Moritz read a Proclamation for “Chef’s Appreciation Day” on August 16, 2014.

### **CITIZEN PARTICIPATION**

None.

### **UNFINISHED BUSINESS**

None.

### **ACTION PRESENTATIONS**

**BLL NO. 2014-39**

**RESOLUTION NO. R8-4-498**

**A RESOLUTION RECOGNIZING RANDY J. SINGLETON, DEPUTY FIRE CHIEF, UPON HIS RETIREMENT FOR 38 YEARS, 1 MONTH OF SERVICE TO THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, the City of Kirksville is desirous of recognizing long-term employees; and

WHEREAS, **Randy Singleton** has worked for the City of Kirksville Fire Department since June 24, 1976; and

WHEREAS, **Randy Singleton** was hired as a Firefighter; and

WHEREAS, **Randy Singleton** was promoted to Fire Captain on July 1, 1981, and Battalion Chief on March 17, 1982; and

WHEREAS, **Randy Singleton** was also promoted to Deputy Fire Chief on April 27, 2014; and

WHEREAS, **Randy Singleton** retired on August 1, 2014, after serving the City of Kirksville and its citizens for 38 years, 1 month.

NOW, THEREFORE, BE IT RESOLVED that the City Council extends respect and appreciation on behalf of a grateful City to Randy Singleton for his years of service.

Councilmember Steele moved to approve Bill No. 2014-39; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

Mayor Moritz read and presented the Resolution to Fire Chief Tom Collins, who accepted it on Randy Singleton's behalf.

**BILL NO. 2014-40**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

Councilmember Russell moved to approve Bill No. 2014-40 on first reading; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**BILL NO. 2014-41**

**AN ORDINANCE AMENDING CHAPTER 19 – PARKS AND RECREATION – OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, BY ADDING ARTICLE V, TO BE KNOWN AS DOG PARK.**

Councilmember Mills moved to approve Bill No. 2014-41 on first reading; seconded by Councilmember Russell.

The first dog park in Kirksville is nearing completion, to be named McKinney Bark Park. Rules and Regulations are contained in the proposed ordinance for this and any future dog parks.

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

**BILL NO. 2014-42**

**AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 14, ARTICLE II, DIVISION 1, SECTION 14-33 (f) (4) a.; AND ADDING 4 NEW PARAGRAPHS (4) c. and d., (5) and (6) OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.**

Councilmember Mills moved to approve Bill No. 2014-42 on first reading; seconded by Councilmember Russell.

Contractors already in business in other areas may not have exemptions and must test which slows down projects. This ordinance allows for an exemption for these businesses.

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

**Kirk-Tran Agreement**

Councilmember Steele moved to authorize the City Manager to enter into an agreement with Kirk-Tran for public transportation services; seconded by Councilmember Mills.

The first agreement was entered into in August 2011.

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

**Change Order with Strukel Electric at Airport**

Councilmember Russell moved to authorize the City Manager to approve a Change Order with Strukel Electric for additional work required for the replacement of runway and taxiway lighting at the Airport; seconded by Councilmember Steele. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Street Use for TSU Homecoming Parade**

Councilmember Steele moved to approve a request for the use of City streets for the Truman State University Homecoming parade on October 11, 2014; seconded by Councilmember Mills. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

**Second Reading**

**BILL NO. 2014-40  
12119**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

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

Section 1. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest. The Mayor or any members of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official and the City Manager shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision, and

B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

C. The City Manager also shall disclose by May 1 for the previous calendar year the following information:

I. The name and address of each of the employers of such person from who income of one thousand dollars or more was received during the year covered by the statement.

II. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any

publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

III. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports shall be filed with the City Clerk and with the Missouri Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year.

A. Each person appointed to office shall file the statement within thirty days of such appointment or employment.

B. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section 6. Filing of Ordinance. When this ordinance is adopted, the City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption and prior to September 15, 2014.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

**BILL NO. 2014-41**

**ORDINANCE NO. 12120**

**AN ORDINANCE AMENDING CHAPTER 19 – PARKS AND RECREATION – OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, BY ADDING ARTICLE V, TO BE KNOWN AS DOG PARK.**

WHEREAS, a dog park has been created and named the McKinney Bark Park.

BE IT ORDAINED BY THE CITY OF KIRKSVILLE AS FOLLOWS:

Section 1. That Chapter 19 – Parks and Recreation - be amended to include a new Article V, and Rules and Regulations for a dog park, to read as follows:

**ARTICLE V. DOG PARK**

A dog park is designated for off-leash dogs. Dog owners/handlers are personally and legally responsible for their dogs, including bites inflicted upon humans by their dog. They will assume inherent risks by using this facility, including, but not limited to, serious personal injury and property damage. Handlers must remain inside the fenced area and in view of their dog and maintain verbal control of their dog at all times.

Sec. 19-\_\_\_\_. Enforcement.

The director and city police shall, in connection with their official duties, diligently enforce the provisions of this Article. Any dog bite inflicted upon a human shall be reported to the Kirksville Police Department.

Sec. 19-\_\_\_\_. Liability

Handlers waive liability to the City of Kirksville for any injury or damage caused by their dog at any time while on the dog park property.

Sec. 19-\_\_\_\_. Park Hours

The dog park shall be open daily from 5:00 a.m. to 11:00 p.m. No person or animal shall enter or remain on any dog park property outside of these hours unless given permission by the director. An exception may be during an announced special event that would indicate different hours.

Sec. 19-\_\_\_\_. Inoculations

Every dog must have a current rabies vaccination tag on its collar, and the collar must be on the dog. All dogs must be current in their inoculations and free from contagious conditions, diseases or parasites.

Sec. 19-\_\_\_\_. Leash

Handlers must have each dog on a leash when entering and before leaving the fenced areas. Dogs may be off-leash only within the fenced areas with the exception of pit bull dogs as defined in Section 5-20 of the City Code.

Sec. 19-\_\_\_\_. Pit Bull Dog

A Pit Bull dog, as defined in Section 5-20 of the City Code, must be restrained on a four ft. leash. All other restrictions as defined in Section 5-20 of the City Code are to be adhered to.

Sec. 19-\_\_\_\_. Vicious/Aggressive Dogs

Vicious or aggressive dogs are not permitted in the dog park. The handler of any dog exhibiting this behavior is required to remove the offending dog immediately at the first sign of aggression. A vicious animal is defined in Chapter 5 – Animals and Fowl.

Sec. 19\_\_\_\_. Female Restriction

Female dogs in season are not allowed.

Sec. 19-\_\_\_\_. Animal Waste

Handlers are responsible to clean up after their dogs by picking up their dog's waste and disposing of it properly inside and outside of the fenced area. Reference: Sec 5-17 of the City Code.

Sec. 19-\_\_\_\_. Dog Accompaniment

For every two dogs brought into the park, at least one adult handler must be in attendance.

Sec. 19-\_\_\_\_. Human Age Limit

Humans under the age of 16 years must be accompanied by an adult inside the fenced area.

Sec. 19-\_\_\_\_. Liquor

No person shall possess, exhibit, transport or drink any alcoholic or intoxicating beverages on the dog park property.

Sec. 19-\_\_\_\_. Fees and Penalties

(a) Penalties shall be in accordance with Sec 1-7 of the City Code.

(b) In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

**BILL NO. 2014-42**

**ORDINANCE NO. 12121**

**AN ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 14, ARTICLE II, DIVISION 1, SECTION 14-33 (f) (4) a.; AND ADDING 4 NEW PARAGRAPHS (4) c. and d., (5) and (6) OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.**

**WHEREAS**, the current procedure for the testing of Contractors for new business licenses needs to have additional exemptions from the testing if qualified individuals or companies have the experience and have proof of their qualifications or of licenses in other locations; and

**WHEREAS**, license testing for well-known and qualified companies has been determined to be unnecessary and burdensome to those companies; and

**WHEREAS**, Contractors who fail to renew their business licenses by March 1 of each year must start their license and testing procedures over from the beginning; and

**WHEREAS**, Contractors who do not come in to test within 30 days of completing their application, and Contractors who are in the testing process who fail to come back and complete their testing within 30 days after failing a test, will have all of their paperwork returned to the Finance Office and will forfeit their application fees.

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

That the amendment to Chapter 14, Article II, Division 1, Section 14-33 (f) (4) a., and additional paragraphs in Section 14-33 (f) (4) c. and d., and (5) and (6) shall be approved and incorporated into the Code of Ordinances of the City of Kirksville, Missouri. This amendment is listed below. The additions are printed in bold letters:

Chapter 14 – Licenses, Permits and Miscellaneous Business Regulations  
Article II – Businesses, Occupations, Professions or Services  
Division 1 - Generally  
Sec. 14-33. Issuance procedure generally.  
(f) Contractor Testing

a. the word “**union**” should be placed after the phrase “state or national”.

Two new paragraphs will be added to Sec. 14-33 (f) (4):

**c. The Codes & Planning Director or his designee may exempt from the testing any company applying for a contractor license that can provide evidence of:**

- 1. Current licensing in other cities with a population of 5,000 or more, or a county business license.**
- 2. Certificates from other states showing that contractor testing has been passed and is still current.**
- 3. Certificates from the Block or Thompson Prometric Testing programs showing the passing of contractor tests.**
- 4. Certificate showing that testing was taken and passed for rating of Master Electrician.**
- 5. Other documentation that the company is in business and competent to perform the work permitted by the license applied for.**

**d. Contractors vetted through the City of Kirksville’s request for bid**



**process shall be exempt from Contractor Testing requirements, but shall be required to maintain a City Business License for the duration of the contract. Any work done by these contractors for others in the City would require the testing to be completed unless qualifying for an exemption.**

Two new paragraphs will be added to Sec. 14-33 (f):

**(5) The failure of any Contractor to renew his contractor's license by March 1 requires the contractor to start the application for a brand new business license, which would include any required testing. To receive a Contractor, Electrician, or Plumber's license, the contractor has to pass their respective test(s), unless they qualify for an exemption to the testing which might be in effect at that time.**

**(6) Contractors who fail to come in and take their required contractor tests within thirty (30) days after the application date will have their application denied, their application will be returned to the Finance Department, and no refunds will be given. Any Contractor who fails a test and does not come back within 30 days to take a subsequent test will have their application returned to the Finance Department and no refund will be given. Once the application is returned to the Finance Department, the application process must start over, including fees.**

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

Councilmember Mills moved to approve Bill No. 2014-40, 2014-41 and 2014-42 on second reading; seconded by Councilmember Russell. Motion carried: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

### **Council Comments**

### **Adjournment**

There being no further business to come before the Council, Councilmember Mills moved to adjourn to an Executive Session regarding a Personnel Matter, RsMO 610.021(3); seconded by Councilmember Detweiler. City Clerk Vickie Brumbaugh took the Roll Call vote as follows: Ayes – Mayor Moritz; Councilmember Detweiler, Mills, Russell and Steele. Noes – 0.

Mayor Moritz adjourned the meeting at 6:37 p.m.

Vickie Brumbaugh, CMC/MRCC  
City Clerk