

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager  
**SESSION DATE:** March 1, 2010  
**TIME:** 5:00 p.m.  
**PLACE:** Second Floor Conference Room

We will need to adjourn by 5:55 pm to be in the Council Chambers on time for the City Council Meeting at 6:00 pm.

## **AGENDA:**

- **SNOW STORM POLICIES**
- **DOWNTOWN DESIGN GUIDELINES**
- **NEWSLETTER**

## **SNOW STORM POLICIES**

Snowfall accounts for a small portion of the total precipitation an area receives. However, not only have we seen increased rainfalls, but the 2009-2010 snow levels have exceeded annual levels by almost 20 inches. Historically we receive around 21 inches of snowfall in a season. As of today, we have received over 40 inches.

In the recent past, the level of snowfall has been much less. These lesser levels have afforded us the ability to handle the snow with minimal issues. These additional levels have brought to light a need to review and evaluate our snow and ice removal program. Many of us are aware of the existing ordinances that are in place that address snow removal responsibilities. The ordinances require property owners to shovel snow from walkways; prohibit property owners from placing snow on city streets, sidewalks and alleyways; and outlines the restrictions and process for declaring and during snow emergencies. There are many more aspects to the snow removal process.

We have been evaluating our program over the course of this winter and have determined that there are several areas, not in terms of technique of snow removal, but in the overall understanding and expectations of the City's role in snow removal that need improvement and fine tuning. We have also learned that there is not a clear understanding throughout the city departments

Included with this cover report, is a Study Session Staff Report from Public Works Director John Buckwalter that outlines the issues that we have identified through our evaluation. We want to review the current snow removal policy and discuss our proposed policy with the City Council. Also included is a summary of the costs of snow removal for last winter season and the current winter season. This report shows that the cost of snow removal for this winter season has exceeded last year's season by over \$112,000. This is a significant increase. The Public Works Department/ Street

Maintenance Division Snow and Ice Control Program is included and has been updated. We will review the changes that were made to this document.

Recommended Action:

The City has limited resources, and must balance these resources with the various services we are expected to provide. We want to have a snow and ice control program that provides service to the citizens without creating unrealistic expectations.

**DOWNTOWN DESIGN GUIDELINES**

In a recent Study Session there was a mention of the need to develop the design guidelines that would be necessary to give guidance and direction to property owners, potential investors and business owners within the downtown area. In 1999, the community worked together to develop a Downtown Plan. This Plan was established as the guide used to direct public and private improvements within the downtown area. The Downtown Plan was followed by the 2004 Downtown Design Guidelines, which outlined the short and long term recommendations for the downtown, and expanded on the concept of developing an historical downtown.

The 2004 Downtown Design Guidelines gave general direction and recommended the creation of an architectural review board that would review proposed building improvements to insure compliance with the old town historic theme. The City Council established the Kirksville Historic Preservation Commission (KHPC) in 2009. There are several references within that originating ordinance that mentions the development, the use of and implementation of design guidelines. The ordinance also references the Secretary of the Interior's Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties.

In recent months, we have had discussions with property owners about what they can and can not do to their buildings, questions regarding sign design and questions on acceptable awnings. The City has also implemented a low interest loan building façade program. So it seems that the only thing missing is the teeth to insure the downtown develops in the manner expected by the Kirksville Downtown Improvement Committee, the Downtown Partners, TIF Commission and City Council is an ordinance that outlines the design standard requirements. In addition, the existing ordinance states that the KHPC will work with property owners within a designated district.

*To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;*

City staff is willing to develop these standards with consent of the KHPC and approval of the City Council. One thing we want to do is make sure that the existing KHPC

ordinance does not prohibit this approach, and if there are any prohibitions we would ask the City Council to consider corrective action to allow the KHPC to move forward.

The following link accesses the Downtown Design Guidelines on our website.

[http://www.kirksvillemcity.com/filestorage/72/158/472/Downtown\\_Design\\_Guidelines.pdf](http://www.kirksvillemcity.com/filestorage/72/158/472/Downtown_Design_Guidelines.pdf)

Recommended Action:

It has been ten years since the Downtown Improvement Plan was adopted. It is time that the City move forward with establishing the downtown design standards as expectations.

**NEWSLETTER**

Attachments

- Snow Removal Policy Staff Report
- Cost Comparison 2008-2009 and 2009-2010 Snow Seasons
- Snow and Ice Control Program
- Applicable Ordinances – snow removal / snow emergencies
- KHPC Applicable Ordinances – referencing design guidelines / standards
- Downtown Design Guidelines – short term recommendations

# KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

**SUBJECT:** Snow Removal Policy

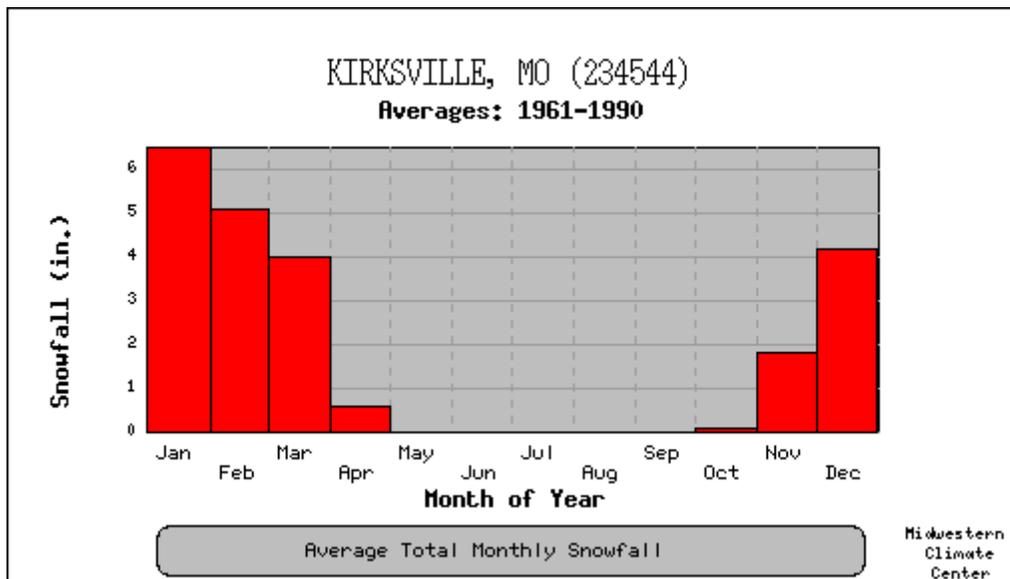
**STUDY SESSION MEETING DATE:** March 1, 2010

**CITY DEPARTMENT:** Public Works

**PREPARED BY:** John R. Buckwalter

The 2009-2010 snow removal season is drawing to a close, and the Public Works staff is compiling lessons learned from this winter, and updating policies and procedures for future operations. This report summarizes the 2009-2010 snow removal effort, outlines lessons learned, and recommends changes to policy for Council discussion.

The snow removal season is normally considered November thru March. Historical averages by month are illustrated below, and total just less than 22 inches per year.



2009-2010 snowfall, as estimated by City staff is: November: 0, December 10.25, January 9.0, and February 21.5 inches, or a total of over 40 inches of snow. We can expect at least one more significant snowfall event in March, based on historical trends. This winter's snowfall is approximately two times the average, and has provided insight into the strengths and weakness of City operations.

## 2009-2010 Winter Report

Month	Date		Snow Inches	Ice Inches	Manpower		Equipment Hours	Salt Tons	Brine (Gal)	Snow Loads
	Start	End			Regular	OT				
December	12/8/2009	12/10/2009	4		224	104	287.5	133.2		41
	12/20/2009	12/20/2009		0.25		12	8		600	
	12/25/2009	12/28/2009	4		86	191.75	240.25	96		35
	12/30/2010	12/31/2010	2.25		99	18	98	91.1		
<b>Totals</b>			<b>10.25</b>	<b>0.25</b>	<b>409</b>	<b>325.75</b>	<b>633.75</b>	<b>320.3</b>	<b>600</b>	<b>76</b>
January	1/6/2010	1/9/2010	6		293	99	346	32.2		165
	1/20/2010	1/20/2010	1		72	20	56	27.5		
	1/22/2010	1/22/2010		0.25	30.5		25	20		
	1/25/2010	1/25/2010	2		77	21.25	53	49.5		
<b>Totals</b>			<b>9</b>	<b>0.25</b>	<b>472.5</b>	<b>140.25</b>	<b>480</b>	<b>129.2</b>	<b>0</b>	<b>165</b>
February	2/4/2010	2/5/2010	4		112	64	127	78.1		
	2/8/2010	2/10/2010	4		214	75	253	136		36
	2/12/2010	2/12/2010	1		48	20.5	64	29.7		
	2/14/2010	2/15/2010	4			202.5	179	64.9		33
	2/21/2010	2/25/2010	8.5		352	212	1305	64.6		396
<b>Totals</b>			<b>21.5</b>	<b>0</b>	<b>726</b>	<b>574</b>	<b>1928</b>	<b>373.3</b>	<b>0</b>	<b>465</b>
<b>Winter Totals</b>			<b>40.75</b>	<b>0.5</b>	<b>1607.5</b>	<b>1040</b>	<b>3041.75</b>	<b>822.8</b>	<b>600</b>	<b>706</b>

The winter snow removal report, with costs, is attached. Costs include \$60,375 for labor, \$70,275 for materials, and \$102,184 for equipment. Equipment costs are calculated using FEMA rates.

### Lessons Learned this winter:

1. Only public works personnel are aware that a snow removal policy exists.
2. There is no clear guidance on who calls snow removal crews in, and under what circumstances.
3. The Citizens do not understand snow removal policies or the standards which they should expect.
4. Citizen response to a snow emergency declaration is poor. Vehicles in the downtown area and the Franklin Street corridor were not moved in a timely fashion. There is reluctance on the part of City staff to tow vehicles.
5. The changing character of the downtown area is making current snow removal procedures ineffective. Residents of downtown apartments have been slow to move vehicles, and often have no place to move them to if all parking lots are full or have not been cleared. Declaring a snow emergency for the downtown area only is a possibility, but may not be effective.

6. Use of salt brine prior to a storm and in the earlier stages of a storm improves the ability of other equipment to clear snow, and can eliminate the need to plow in light snows. Salt requirements can be reduced which saves chemical costs, reduces damage to pavement, and reduces adverse environmental impacts.

7. Snow “storage” areas were nearly exhausted in February.

**Policy:**

The department of public works has a snow and ice control policy which was originally drafted in 1989, and updated about 10 years later. This policy was never distributed outside the department. The most important lesson learned this winter is that we need a detailed snow and ice control policy which meets Council expectations, and is understood by all City departments and personnel.

A snow removal policy must address key issues such as:

- When do we start to plow?
- When do we stop plowing?
- What is the acceptable standard for removal?
- What are the priorities for snow removal?
- How are parked vehicles dealt with?
- What constitutes a snow emergency?
- How are crews organized and scheduled?
- How are Citizen complaints handled?

**Current Policy:**

The current policy divides the City into seven snow and ice removal areas; however practice is only 6 routes plus trails. Over 4.4 miles of streets have been added to the City’s inventory thru annexation and 5.6 miles thru new construction since this policy was drafted. Plowing operations are not to begin before snow accumulation reaches 2 inches and it is still snowing. Alleys will be cleared after priority one and two streets are completed. The policy calls for the use of salt, slag, and slag mixed with salt for snow and ice control. Snow removal downtown will be done at night when practical. Drivers will not plow or remove snow from private drives, streets or alleys. Windrows will not be removed.

**Proposed Policy:**

A draft of the revised snow and ice control program is attached. Revised or new elements of the program are in bold text. Key elements are:

- City is divided into six areas.
- Crews will operate on 7 to 7, 12-hour shifts when required.
- Streets are divided into priority one and priority two groups.
- Crews will apply salt brine, salt, sand, or a combination as required up to the point where snow accumulation has reached 2 inches.

Snow plowing will begin at 2 inch accumulation.  
Snow will not be plowed or removed from alleys.  
Only priority one streets will be cleaned to bare pavement.  
Windrows are not removed.  
City will not accept responsibility for damage to roadside objects located within the City's right of way.  
City crews will not haul snow from private parking lots in the downtown.  
Mailboxes will be repaired or replaced only when actually struck by snowplows.

**Recommendations:**

1. Complete a written policy for snow removal, and educate staff on its contents.
2. Add anti-icing equipment (brine system) to snow removal fleet.
3. Meet with downtown stakeholders and revise snow removal and parking policies to better serve and more efficiently clear this area.
4. Use the media, website, area scene, and other venues to educate the public on snow removal procedures, and how they can help make operations more efficient, BEFORE the first significant snowfall.
5. Review the Snow Emergency ordinance and listed streets. Coordinate list with Hospital, Emergency Service Providers, and School District.

## 2009/2010 Snow & Ice Removal Report

	2008/2009	2009/2010	as of 02/25/10	Ice Control	2008/2009	2009/2010
<b>Snow Plowed</b>						
Labor Hours	817.00	1,300.00		Labor Hours	80.00	102.50
Overtime Hours	657.00	859.25		Overtime Hours	95.00	32.00
Total Labor Cost	\$32,627.17	\$47,738.41		Total Labor Cost	\$3,986.08	\$2,926.44
Material Cost	\$43,048.04	\$65,161.16		Material Cost	\$448.24	\$4,102.30
Equipment Cost	\$15,623.88	\$77,260.00		Equipment Cost	\$2,474.45	\$3,510.00
Miles Plowed	10,109.2	16,784.9		Mileage	571	779
<b>Total Cost</b>	<b>\$91,299.09</b>	<b>\$190,159.57</b>		<b>Total Cost</b>	<b>\$6,908.77</b>	<b>\$10,538.74</b>

	2008/2009	2009/2010	2008/2009	2009/2010
<b>Snow Hauled</b>				
Labor Hours	24.00	215.00	718.1	822.8
Overtime Hours	172.30	207.25	4,308.8	4,936.8
Total Labor Cost	\$4,910.67	\$9,709.90	<b>\$39,174.54</b>	<b>\$71,443.72</b>
Material Cost	\$824.93	\$1,011.67		600
Equipment Cost	\$5,287.38	\$21,413.50	<b>\$0.00</b>	<b>\$42.00</b>
Loads Hauled	496	706		25
<b>Total Cost</b>	<b>\$11,022.98</b>	<b>\$32,135.07</b>	\$175.00	
Material Handling				
<b>Grand Total Cost</b>			<b>\$39,349.54</b>	<b>\$71,485.72</b>

	2008/2009	2009/2010	2008/2009	2009/2010
<b>Sidewalk Maint.</b>				
Labor Hours	24.00		17	41.5
Overtime Hours	5.25			
Total Labor Cost	\$569.65			
Material Cost				
Equipment Cost	\$232.50			
Mileage			3.5	0.1
<b>Total Cost</b>	<b>\$802.15</b>			

	2008/2009	2009/2010
<b>Totals All Snow / Ice</b>		
Labor Hours	945.00	1,617.50
Overtime Hours	929.55	1,098.50
Total Labor Cost	\$42,093.57	\$60,374.75
Material Cost	\$44,321.21	\$70,275.13
Equipment Cost	\$23,618.21	\$102,183.50
Material Handling Cost	\$0.00	\$0.00
Loads Hauled	496.00	706.00
<b>Total Cost</b>	<b>\$110,032.99</b>	<b>\$232,833.38</b>

**City of Kirksville, Missouri**  
**Public Works Department/Street Maintenance Division**  
**Snow and Ice Control Program**

**Introduction:**

Efforts to provide snow removal and ice control on Kirksville's 125 miles of streets and alleys rests with the Street Maintenance Division of the Public Works Department.

These guidelines are not intended to create any duty to any individual member of the public or to protect any particular or circumscribed class of persons. All or parts of these guidelines may be affected by at least one or more of the following which will delay all or some of the services provided:

- equipment breakdowns
- vehicles disabled in deep snow
- weather so severe as to cause crews to be called in from the streets, i.e. whiteout conditions
- equipment rendered inadequate by the depths of the snow or drifts; crew breaks, and breaks required for refueling, refilling of material spreaders and installing chains or new blades
- and unforeseen emergencies

Attempts to clear city streets can be exercised at any time of the day or night; and in that regard, snow and ice control efforts should be considered as emergency work. Considering that snow and ice removal is emergency in nature, the work must be accomplished as expeditiously as possible and consequently, planning and equipment preparation is normally completed prior the arrival of the snow season. Preparation for a snow and ice removal program can be, and frequently is, made extremely difficult by the combination of factors that arise during the snow and ice season. Rate and accumulation of snowfall, moisture content, temperature, time of day or night, wind velocity, and duration are all factors that interact to create a unique aspect for each storm with the result that no two storms are ever identical.

Because the nature of snow and ice, control operations are emergency in nature, widely scattered and of large scale; advanced planning and organization for removal of snow and ice is desired. Once a storm begins there is little time to effect efficient operational procedures of a major scale.

**Weather Forecasting:**

The key element in implementing an efficient snow and ice control program is weather forecasting. Advance warning of weather conditions building that will effect this immediate area is important as well as having warning while the crews are out working. The advance warning will also advise as to the method of snow and ice control to be implemented for a particular storm.

The Public Works Department relies on local and national weather service broadcasts for weather information. In addition, the Police Department has available in their office, a 24-hour weather channel. The Public Works Department will continue to rely on these services plus actual field conditions in the immediate area to determine when to mobilize and what equipment and materials to utilize.

**Personnel:**

Personnel can be assigned to 12 hour shifts (7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m.) and the 12 hour shifts are continued until such time as the snow has been sufficiently removed to go back to normal 8 hour work days. While snow removal operations are performed by personnel of the Street Division, assistance may be required from the Utility Maintenance Division. Should conditions warrant, in the opinion of the Public Works Director, private operators and equipment may also be employed. The Departments Fleet Maintenance Garage will also provide personnel on standby in order to repair equipment after normal work hours.

**Alerting Snow and Ice Control Personnel:**

Snow and ice control operations may be conducted on a 24-hour basis, 7 days a week. Therefore, the Public Works Department is prepared to shift from the normal work week any time it becomes necessary to institute snow and ice control operations. Should conditions warrant holding city crews for snow and ice control work during the normal working day those individuals assigned to the day shift are held over for an additional four hour period with the night shift personnel leaving at 11:00 a.m. and reporting back at 7:00 p.m. in order to comprise two 12-hour shifts. In order to maximize the use of city equipment, operators & other departments may be assigned to the Public Works Department for the duration of the snow and ice emergency.

In the event it becomes necessary to begin snow and ice control operations during off duty hours, police officers may direct the police dispatcher to initiate the first crew response by notifying street supervisor or his designee, a current telephone call list is used to notify affected personnel. Dependability and cooperation among department personnel is essential to effective snow and ice control operation.

**General Snow and Ice Control Procedures:**

The City has been divided into **six** major snow and ice removal areas. Personnel are assigned to each of the areas by the Street Supervisor.

Each street in the City has been classified as a priority one (1) or priority two (2) street. Streets in the Priority I category consist of those streets that are hospital and emergency routes and major traffic carriers. Priority 1 streets will be cleared of snow prior to implementing snow and ice control operations on priority 2 streets. The only exception to this clearing operation is when an emergency situation arises (See Emergency Procedures Section.)

The following general guidelines have been established for snow and ice control operations in Kirksville.

1. Snowfall accumulation of up to two (2) inches, more or less, are generally handled (depending on weather conditions) by applying salt brine, salting,

sanding, or combination of salt, sand, and calcium chloride. No salt will be placed on newly constructed streets for a period of at least one year.

2. Plowing operations generally do not begin unless snowfall accumulations measure more than two inches and show is falling and/or weather forecasts call for additional accumulation. Salting and snow plowing operations may be conducted concurrently and some of our vehicles can perform these dual operations at any time. De-icer abrasive addition can be used before the 2” accumulation.

3. The Public Works Director may make arrangements for private equipment to be used in the Central Business District. As additional private equipment is obtained beyond that needed for the Central Business District, assignments will be made to assist City crews in other areas of the community on the basis of a particular area’s need.

4. Snowplow operators are instructed to plow the street as close as possible to the curb line with minimum number of passes. Where sidewalks are close to the curb, drivers are instructed to minimize pushing snow onto sidewalks. In these locations snow may be stored in the street near the curb.

5. City-wide snow emergency parking restrictions will be implemented when snow conditions warrant. The Public Works Director, as directed by the City Manager, will place restrictions into effect after consultation. These practices are of a general nature only and will depend to a great degree on storm factors, i.e. wind, temperature, moisture content, etc.

**Equipment:**

Of the total City equipment available for snow removal, it is the intent of the Public Works Department to utilize as much of this equipment on the street as possible; however, it is impractical to assume that all equipment will be operating and provisions must be made for equipment downtime.

Depending on storm conditions, additional equipment may be obtained from private firms to support the snow removal effort. The size of the fleet is adequate to handle the majority of snow and ice storms reasonably expected in an average snow season.

Exclusive of minor vehicle repair, the goal is to keep operational at least eighty percent of all Street Division equipment.

**Emergency Situations:**

Provisions must be made for situations involving emergencies; therefore, in the event Public Works receives notification of an emergency situation equipment necessary to handle the emergency has been resolved. In order to eliminate false emergency calls to the Public Works Department, it is preferable that emergency calls be routed through the Police Communications Center, those individuals in the Public Works Department receiving emergency calls will inform the caller that the Police will be notified of the

emergency situation so as to be able to assist in handling the situation and to preclude false calls.

The Chief of Police is authorized to publicly announce that non-emergency travel is not recommended when, in his opinion, snow and ice conditions warrant such warning. Regulations as to the operation and parking of motor vehicles during Snow Emergencies are to remain as ordained by Ordinance, Section 15- 432, and made a part of this program by reference.

In order to facilitate removal of snow, some City streets are designated Snow Routes by Ordinance and all parking will be banned on these streets whenever snow plowing and removal operations are hampered or could be hampered by parked vehicles. Declaration of the parking ban on these streets will be made by an announcement to the news media.

Enforcement of this Ordinance Section 15432 requires close cooperation between the Public Works Department and the Police Department.

**Standard Operating Procedures:**

This S O P contains statements of policy and directives basic to the organization and operation for the chemical and abrasive program and snow plowing program.

1. The City Manager, the Public Works Director, and the Street Supervisor or his designee, are the only individuals authorized to institute a snow and ice control program. Field operations shall be directed by the Street Supervisor who may delegate authority to begin snow and ice control operations.
2. Supervisors shall be responsible for providing snow and ice control maps and/or written route descriptions to equipment operators. Equipment operators/drivers are expected to keep this information available in the vehicle and to request additional copies of this information if it has been lost or damaged.
3. Equipment operators and other personnel required in snow and ice control operations can be assigned to twelve hour shifts (7:00 a.m. to 7:00 p.m. or 7:00 p.m. to 7:00 a.m.) until such time as the streets are cleared of snow. The Street Superintendent or his designee shall determine shift assignments.

**Chemical And Abrasive Material Spreading:**

Generally, five combinations of material will be used for snow and ice control operations. These are salt brine, straight salt, salt mixed with slag mix and calcium chloride, salt mixed with slag mix or other abrasive, or straight abrasives. Rates of material spreading and combinations of the various materials will depend on the prevailing weather conditions and the Street Supervisor or his designee shall determine the application rate and materials to be used.

**Snow Plowing Operations:**

1. The guideline to be used to begin snow plowing operations is generally when accumulation has reached two inches (2") more or less on the majority of the

Priority 1 streets and snow is falling and/or forecasts predict significant additional snowfall. Abrasives or de-icers may be used before snow accumulates to this point.

Every street has been assigned a plowing priority. These designations will either be Priority 1 or Priority 2. In any given area Priority 1 streets will be plowed before Priority 2 street are started. If all the Priority 1 streets have been plowed and the Priority 2 streets has commenced and it begins to snow again sufficiently to require re-plowing, then the Priority 1 streets would be reinstated before resuming work on the Priority 2 streets.

2. The Street Supervisor and Equipment Operators are expected to be knowledgeable of areas where sidewalks are close to the curb and where medians exist and must make every effort to avoid plowing snow onto sidewalks. Supervision will inform equipment operators new to a particular area where sidewalks are close to the curb. Drivers are not to turn around their equipment or vehicles in residents' driveways unless absolutely necessary.

3. Drivers will not plow or remove snow from known private drives or streets. Time limitations prevent the removal of windrows, as well.

4. Equipment operators are expected to inspect equipment prior to leaving the Public Works yard area to be sure equipment is in proper working condition. Brakes, lights, horns, turn signals, plow and/or material hydraulic steering, cutting blades, edges, snow chains, fluid levels and tires should be checked. Operators must check fuel tanks before taking the vehicle into the field. Any malfunction of the equipment must be reported to the operator's immediate supervisor and to the Central Garage Supervisor.

5. Snow hauling operations in the Central Business District will be done when snow accumulations measure more than 2 inches. If forecast calls for additional accumulations, snow will only be removed from driving lanes. When snow storm has ended, snow will be removed from streets and parking areas. This will be done at night when practical, so as to avoid heavy traffic.

6. Individuals operating vehicles and equipment who are involved in an accident are required to report the accident to their supervisor at once. In addition, all operators are expected to contact the Police Communications Center before vehicles involved in such accidents are moved. Operators must also complete and submit an accident report to their immediate supervisor as directed.

7. Equipment operators are instructed to obey all traffic regulations during snow removal operations.

**Cul-De-Sacs:**

Most snow removal equipment cannot plow circles because of the tight turning required. As a result cul-de-sacs are plowed by smaller equipment and after all the other residential streets are done.

**Mail Boxes:**

It is the property owner's responsibility to clear snow from a mailbox. When plowing snow, mailboxes are sometimes unavoidably blocked by operation.

The City will inspect the mailbox after receiving the snowplow damage request. If it is determined that the mailbox was physically hit by a snow plow, the City staff will install a standard wooden post and metal box. If the resident has a custom mailbox and it cannot be repaired, the City will reimburse the resident \$50.00. If the damage was caused by windrow, wet, or heavy snow, etc... the City will not compensate the resident for the damage.

**Ordinances Included By Reference:**

Ordinance Section 15-432 Emergency Snow Routes; Ordinance Section 15-462 - Restricting Parking in Business District.

**Snow Route Area Maps:**

The Public Works Director shall maintain in his office the map showing the Priority 1 Streets. Criteria for determining Priority 1 streets includes such items as bus routes, primary routes to emergency facilities and major arterial streets.

## **CURRENT CITY ORDINANCES REGARDING SNOW AND ICE**

### **Sec. 21-5. Property owners and occupants to clean sidewalks and remove snow.**

The owners, agent or occupants of any real property within the city shall keep the sidewalk along and in front of the property owned or occupied by or under their charge or keep clean from mud, dirt, filth, snow and ice, and, after a snowfall, such owners, occupants or persons in control or charge of such property shall, within twenty-four (24) hours after such snowfall, cause such snow on their sidewalks to be removed.

(Code 1974, § 21-4)

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### **Sec. 21-6. Placement of snow or ice on streets and sidewalks.**

It shall be unlawful for any person or persons to remove any snow or ice from private property and place or cause to be placed such snow or ice on any public street, alley, sidewalk, or other public place without prior written approval of the city manager or director of public works.

(Code 1974, § 21-4.1)

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### **Sec. 15-343. Parking during snow emergencies.**

(a) Whenever snow has accumulated or there is a possibility that snow will accumulate to such a depth that snow removal operations will be required, the city manager or his designated representative may declare a traffic emergency. Until such traffic emergency is terminated it shall be unlawful to park a vehicle on any street designated as an emergency snow route. The city manager or his representative may put into effect a traffic emergency on parts of or all snow emergency routes as necessary by declaring it in a manner prescribed in this section.

(b) Upon declaration of a traffic emergency, notice thereof shall be given through the local press, radio, television or other media. The traffic emergency shall be terminated by notice given substantially in the same manner as was declared. The termination will be effective immediately.

(c) All vehicles parked on emergency snow routes shall be removed within two (2) hours after notice of a traffic emergency has been given. Any vehicle parked on an emergency snow route after such period of time may be removed or caused to be removed by a police officer to a place of safety and the vehicle may not be recovered until the towing and storage charges are paid by the person claiming the vehicle.

(d) Any owner or operator of a vehicle who shall violate the provisions of this section shall, upon conviction thereof, be fined in an amount not to exceed twenty-five dollars (\$25.00).

(Code 1974, §§ 13-7--13-9)

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### **Sec. 15-432. Emergency snow routes.**

(a) Whenever snow has accumulated or there is a possibility that snow will accumulate to such a depth that snow removal operations will be required, the city manager, or his designated representative, may declare a traffic emergency. Until such traffic emergency is terminated, it shall be unlawful to park a vehicle on any street designated an "emergency snow route." The city manager, or his representative, may put into effect a traffic emergency on parts of or on all snow emergency routes as necessary by declaring it in a manner prescribed in this section.

(b) Upon declaring a traffic emergency, notice thereof shall be given through the local press, radio, television, or other media. The traffic emergency shall be terminated by notice given substantially in the same manner as was declared. The termination will be effective immediately following notification.

(c) All vehicles parked on emergency snow routes shall be removed within two (2) hours after notice of a traffic emergency has been given. Any vehicle parked on an emergency snow route after such period of time may be removed or caused to be removed by a police officer to a place of safety, and the vehicle may not be recovered until the towing and storage charges are paid by the person claiming the vehicle.

(d) The following streets are hereby established as emergency snow routes within the city:

(1) *North and south streets:*

TABLE INSET:

Street name	From	To
Boundary	LaHarpe	Michigan
Osteopathy	Hamilton	Potter
Third	Pierce	Jefferson
First	Patterson	Shepherd
Franklin	Patterson	Pierce
Marion-Green	Jefferson	North Junction 6 & 63
Cottage Grove Place	LaHarpe	Hamilton
Cottage Grove	Hamilton	N.E. Lift Station
Halliburton	Jefferson	LaHarpe
Business Route 63	Patterson	Highway Junction
Jamison	Highway 6, east	Highway 11, east
Elson	Potter	Buchanan

(2) *East and west streets:*

TABLE INSET:

Street name	From	To
LaHarpe	First	Cottage Grove Place
Hamilton	Osteopathy	First
Paterson	First	Cottage Grove
Michigan	Boundary	Osteopathy
Normal	Cottage Grove	Jamison
Pierce	Osteopathy	Third
Jefferson	Third	Cottage Grove

Potter	West City Limits	North Junction 6 & 63
Illinois	Main	Baltimore
Harrison	Main	Baltimore
Harrison	Baltimore	Junction Route 11, east

(e) In addition to the above, the following streets are also designated as emergency snow routes and, in addition, will be those streets which will have the snow from the streets hauled away.

(1) *North and south streets:*

TABLE INSET:

Street name	From	To
Main	McPherson	Harrison
Elson	Jefferson	Buchanan
Franklin	Pierce	Buchanan

(2) *East and west streets:*

TABLE INSET:

Street name	From	To
Jefferson	Marion	High
McPherson	Main	High
Washington	Main	High
Harrison	Main	High
Missouri	Main	High

(f) Any owner or operator of a vehicle who shall violate the provisions of this section shall, upon conviction thereof, be fined in an amount not to exceed twenty-five dollars (\$25.00)

(Ord. No. 10949, § 5, 9-24-90)

**Sec. 15-42. Towing and impoundment of certain vehicles.**

(a) *Authority of police officer (or other government agent) to tow abandoned property on the right-of-way and public lands.* Vehicles may be towed when they:

(1) Are used in a crime (from public or private lands).

(2) Fail to comply within the allotted time of any snow removal or other traffic emergency notification.

(3) Are abandoned on the public right-of-way or other public land. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove abandoned property (any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property whether or not operational) to a place of safety as follows:

- a. Any abandoned property on the right-of-way of any state highway left unattended for more than forty-eight (48) hours; or abandoned property on any public street, alley, or parking lot left unattended for a period of forty-eight (48) hours or more and which has been tagged with an official forty-eight-hour notice by the police department provided that commercial motor vehicles not hauling waste designated as hazardous under Title 49, Section 5102(a), United States Code, may [may] only be removed to a place of safety after the owner or owner's representative has had a reasonable opportunity to contact a towing company of their choice.
- b. Any unattended abandoned property illegally left standing upon any highway, street, alley, public parking lot or bridge in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
- c. Any abandoned property which has been reported as stolen or taken without consent of the owner.
- d. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody where such person is unable to arrange for the property's timely removal.
- e. Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
- f. Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
  - (4) Any government agent other than a law enforcement officer authorizing a tow in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the Missouri State Highway Patrol within one (1) hour of the tow along with a description of the abandoned property sufficient to make a criminal inquiry as required.
  - (5) Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by section 304.155, RSMo or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.
  - (6) Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned shall have a lien for all reasonable charges for towing and storage until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record.
  - (7) Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided the ordinance is consistent with section 304.155 to 304.158, RSMo.

## HISTORIC PRESERVATION ORDINANCES RELATING TO DESIGN GUIDELINES

### Highlighted Sections Apply to Design Guidelines

#### ARTICLE X. KIRKSVILLE HISTORIC PRESERVATION

Sec. 2-191. General provisions.

(a) *Purpose*. The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify, evaluate, and preserve the distinctive historic and architectural characteristics of the City of Kirksville;
- (2) Fostering civic pride in the beauty and accomplishments of the past as represented in Kirksville's landmarks and historic areas;
- (3) Conserving and improving the value of property designated as landmarks or historic districts;
- (4) Protecting and enhancing the attractiveness of the City of Kirksville to home buyers, home owners, residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city;
- (5) Fostering and encouraging preservation, restoration, and rehabilitation of historic structures, areas, and neighborhoods;
- (6) Promoting the use of landmarks and historic areas for the education, pleasure and welfare of the people of the City of Kirksville;
- (7) Encouraging the identification, evaluation, protection, and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the City of Kirksville.

(b) *Definitions*. Unless specifically defined below, words or phrases in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

- (1) *Alteration* - Any act or process that changes one (1) or more historic, architectural, or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing, grading, or other modification of an area, site, or landscape that changes its current condition.
- (2) *Board of adjustment* - The board established pursuant to Appendix A - Zoning, Article II, of the Code of Ordinances of the City of Kirksville, Missouri.
- (3) *Certificate of appropriateness* - A certificate issued by the Kirksville Historic Preservation Commission (KHPC) indicating its approval of the architectural appropriateness of plans for construction, alteration, removal or demolition of a landmark or of a structure within an historic district.
- (4) *Certificate of economic hardship* - A certificate issued by the KHPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.
- (5) *Construction* - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
- (6) *Demolition* - Any act which destroys in part or in whole a structure, a landmark, or a structure within an historic district.
- (7) *Design guideline* - A standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic, or aesthetic character of a landmark or historic district.
- (8) *Exterior architectural appearance* - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and

texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

(9) *Historic district* - An area designated as being zoned "H - Historic" by ordinance of the city council which may include individual landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.

(10) *Historic significance* - Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.

(11) *KHPC* - Members of the Kirksville Historic Preservation Commission.

(12) *Landmark* - A property or structure designated as a "landmark" by ordinance of the city council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City of Kirksville, and zoned appropriately as an "H-Historic" overlay property.

(13) *Minimum maintenance* - The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the 2003 International Property Maintenance Code, as published by the International Code Council and adopted by reference into the Code of Ordinances for the City of Kirksville. The particular year or version of the International Property Maintenance Code adopted by the City of Kirksville will be the version that is recognized by this article and made a part thereof.

(14) *Ordinary maintenance* - Any work for which a building permit is not required by the city, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.

(15) *Owner of record* - The person, corporation or other legal entity listed as owner on the records of the Adair County Recorder of Deeds.

(16) *Public improvement project* - An action by the City of Kirksville or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting city parks or city owned structures.

(17) *Removal* - Any relocation of a structure, object or artifact on its site or to another site.

(18) *Repair* - Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

(19) *Secretary of the Interior's Standards* - The Secretary of the Interior's Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).

(20) *Site* - The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.

(21) *Stop work order* - An order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the

owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness.

(22) *Structure* - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

(23) *Survey* - The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

(Ord. No. 11857, § I, 2-23-2009)

Sec. 2-192. Kirksville Historic Preservation Commission.

(a) *Members.* The Kirksville Historic Preservation Commission (KHPC) shall consist of five (5) members, residents of the City of Kirksville or the surrounding community, all of whom shall be appointed by the Mayor of Kirksville. In addition, a member of the city council and of the planning and zoning commission shall be appointed to serve as members. The commission will then consist of seven (7) total voting members. The council and zoning representatives shall vote but shall not hold office. All commission members must have a demonstrated interest, competence, or knowledge in historic preservation. To the extent available in the community the KHPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation, and residents of historic districts or potential historic districts.

(b) *Terms.* The terms of office of the members of the KHPC shall be for three (3) years, excepting that the membership of the first KHPC appointed shall serve respectively for terms of two (2) for one (1) year; two (2) for two (2) years; and three (3) for three (3) years. The city council and planning and zoning representatives will be appointed to three-year terms, with reappointment possible after that time, as long as the person continues to serve on the city council or planning and zoning commission. For these two (2) positions, the KHPC person must be a currently serving city council person or planning and zoning commission member, respectively. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within sixty (60) days. The KHPC shall hold at least four (4) meetings per year and any member of the KHPC who fails to attend at least fifty (50) percent of all meetings, regular and special, in any calendar year, shall thereby automatically vacate the membership.

(c) *Officers.* Officers shall consist of a chairman and a vice-chairman elected by the KHPC who shall each serve a term of one (1) year and shall be eligible for re-election. The city council and planning and zoning commission representatives shall not be eligible for office. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The Codes and Planning Director of the City of Kirksville will be appointed as a city staff representative member of the commission, but without voting privileges. Other members of the city staff may also be appointed members, but without voting privileges. The secretary of the KHPC shall be appointed by the Codes and Planning Department of the City of Kirksville and shall have the following duties:

(1) Take minutes of each KHPC meeting;

(2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the KHPC;

(3) Give notice as provided herein by law for all public hearings conducted by the KHPC;

The Codes and Planning Director of the City of Kirksville shall have the following duties:

- (1) Prepare agendas for all meetings of the KHPC, provide information on the agenda items, and give them to the secretary for timely mailings to members and to the media.
  - (2) Prepare reports and information on decisions made by the KHPC, and report same to the planning and zoning commission for their recommendations to the city council;
  - (3) Advise the city manager of vacancies on the KHPC and expiring terms of members; and
  - (4) Prepare reports and information on decisions made by the planning and zoning commission regarding KHPC actions to the Kirksville City Council on any matter requiring their consideration and decisions.
- (d) *Meetings.* A quorum shall consist of four (4) of the voting members. All decisions or actions of the KHPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the KHPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard city policy and RSMO Section 610.020. No member of the KHPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the KHPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the KHPC, as provided herein. All meetings of the KHPC shall be open to the public except as allowed by state law. The KHPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be public record. All KHPC rules of procedure, designation criteria, design guidelines, and forms shall be available to the public at the office of the city clerk or on the City of Kirksville's web site: [www.kirksvillecity.com](http://www.kirksvillecity.com).
- (e) *Funding.* The city council shall annually appropriate funds, within the budget limitations, for the operation of the KHPC. The KHPC may, with the consent of the city council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this article.
- (f) *Compensation.* The members of the KHPC shall serve without compensation but shall be reimbursed for expenses they incur while on commission business.
- (g) *Powers and duties.* The KHPC shall have the following powers and duties:
- (1) To adopt any of its own by-laws and procedural regulations, if needed, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
  - (2) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
  - (3) To investigate and recommend, with the consent of the owner, to the planning and zoning commission and the city council the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "landmarks";
  - (4) To investigate and recommend, with the consent of a majority of the owners, to the planning and zoning commission and the city council the adoption of ordinances designating for protection areas as having special cultural, historic, archaeological, community or architectural value as "historic districts";
  - (5) To keep a register of all properties and structures which have been designated as landmarks or historic districts, including all information required for each designation;

- (6) To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques, or markers;
- (7) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) To encourage the nomination of landmarks and historic districts to the Kirksville Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
- (9) To inform and educate the citizens of the City of Kirksville concerning the historic, archaeological and architectural heritage of the city through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the city, the KHPC, or other appropriate parties;
- (10) To hold public hearings and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
- (11) To hold public meetings on each proposed nomination of a landmark and of a historic district and on the guidelines developed for each nomination;
- (12) To request the building inspector to issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;
- (13) To review all applications for demolition permits for any commercial building, or any structure used as a residence, not to include trailer houses, within the corporate limits of the city, to determine impact to significant cultural resources, including those not yet nominated as landmarks (See section 2-202 for demolition procedures and process), or as contributing properties within an historic district;
- (14) To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
- (15) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction or removal of landmarks or property and structures within historic districts;
- (16) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks or historic districts;
- (17) To administer on behalf of the City of Kirksville any property of historical significance that the City of Kirksville may have, or accept as a gift or otherwise, including full or partial interest in real property, including easements, upon approval by the city council;
- (18) To accept and administer on behalf of the City of Kirksville, upon approval of the city council, such gifts, grants, and money as may be appropriate for the purposes of this article. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the KHPC and the purposes of this article;
- (19) To call upon available city staff members as well as other experts for technical advice;
- (20) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
- (21) To testify before all boards and commissions, including the planning and zoning commission and the board of adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
- (22) To make recommendations to the city council concerning budgetary appropriations to further the general purposes of this article;

(23) Provide input into the development of a preservation component in the Master Plan of the City of Kirksville;

(24) To periodically review the Kirksville Historic Preservation Zoning Ordinance and to recommend to the planning and zoning commission and the city council any amendments appropriate for the protection and continued use of landmarks or property, sites and structures within historic districts; and

(25) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this article.

(Ord. No. 11857, § II, 2-23-2009)

#### Sec. 2-193. Surveys and research.

The Kirksville Historic Preservation Commission shall undertake an ongoing survey and research effort in the City of Kirksville to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural, or aesthetic importance, interest, or value, and shall maintain an inventory of that information. As part of the survey, the Kirksville Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Kirksville Historic Preservation Commission shall systematically identify potential landmarks and historic districts and encourage property owners to nominate them based upon the following criteria:

(1) The potential landmarks and historic districts in one (1) identifiable neighborhood or distinct geographical area of the City of Kirksville;

(2) The potential landmarks and historic districts associated with a particular person, event, or historical period;

(3) The potential landmarks and historic districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;

(4) The potential landmarks and historic districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;

(5) Such other criteria as may be adopted by the Kirksville Historic Preservation Commission to assure a systematic survey and possible nomination of all potential landmarks and historic districts within the City of Kirksville.

(Ord. No. 11857, § III, 2-23-2009)

#### Sec. 2-194. Nomination of landmarks and local historic districts.

(a) *Nomination of landmarks.* Nomination of landmarks shall be made to the Kirksville Historic Preservation Commission on a form prepared by it and may be submitted by the owner or any one (1) of the owners of record of the nominated property or structure. Nominations shall be turned in to the city clerk, who will within fourteen (14) days of receipt send to the codes and planning director who will add the nomination of the property to the next available agenda of the KHPC, after any required posting for a public meeting. Forms and criteria for nomination will be available at the office of the city clerk.

(b) *Nomination of local historic districts.* Nomination of a local historic district shall be made to the Kirksville Historic Preservation Commission on a form prepared by it and may be submitted by any one (1) of the owners of any property or structures within the boundaries of the proposed local historic district. Nominations shall be turned in to the city clerk, who will within fourteen (14) days of receipt send to the codes and planning director. The codes and planning director will determine the ownership of all properties and sites within the boundaries of the proposed local historic district, based on the current Adair County tax map parcels and listed ownership. Certified mailings will be sent out to all owners of the proposed local historic district explaining the proposed nomination that has been received and giving notice of the date, time, and place for a vote of the property owners on the proposed local historic district. When the vote has taken

place and a tally of the votes has been completed, a majority of sixty-six (66) percent of the designated lots voting must vote in favor of the nomination before it can move forward. If approved, the nomination of the local historic district will be added to the next available agenda of the KHPC, after any required posting for a public meeting. Forms and criteria for nomination will be available at the office of the city clerk.

The rules and procedures for voting on a local historic district are as follows:

- (1) Each Adair County tax map parcel in the proposed local historic district will be allowed one (1) vote, regardless of the number of owners of the parcel.
  - (2) If a tax map parcel has more than one (1) owner, all such living owners must unanimously cast their vote and sign the voting ballot in order for it to be counted.
  - (3) If the tax map parcel is recorded as being owned by a trust, a limited liability corporation (LLC), or by a corporation, the voting ballot will be mailed to the trustee, president, chief executive officer (CEO), chief operating officer (COO), or secretary of the trust, corporation, or LLC. The trustee, president, CEO, or COO will have the authority to vote for the trust, corporation, or LLC with only their one (1) signature, indicating their authorized title or status as trustee.
  - (4) The paper voting ballot will be sent by certified mailings to the address of record of affected property owners.
  - (5) At least thirty (30) days time will be allowed after mailing, for receipt of the letters, for the owners to contact others for signatures, and for the ballots to be received by the city clerk. All votes must be in the possession of the city clerk by the time and date indicated on the ballot for the ballot to be counted.
  - (6) Votes may be submitted to the city clerk any time after receipt, until the stated time and date when all votes are required to be in possession of the city clerk.
  - (7) The city clerk and the codes and planning director will be jointly responsible for counting the votes and for certifying the results to the Kirksville Historic Preservation Commission. The counting of the votes will be open to the public.
  - (8) The city clerk and codes and planning director may delay declaring the results of the vote for clarification of specific ballot signatures, titles, handwriting issues, etc., to ensure those ballots are being counted as intended by the person(s) voting.
  - (9) For a vote to successfully pass the nomination on to the Kirksville Historic Preservation Commission for consideration as a local historic district, a minimum of sixty-six (66) percent of votes being cast in favor of the measure is necessary. The results of the voting will be determined only by the parcels/property owners who actually cast their votes.
  - (10) For a parcel with multiple owners, all living co-owners must unanimously vote and sign the single ballot or the vote will not count.
  - (11) For any property in a proposed local historic district that is owned by the city, the mayor must sign the voting ballot as authorized by the city council.
  - (12) For any property in a proposed local historic district that is owned by the local school district, the school board president must sign the voting ballot as authorized by the school board.
  - (13) For any property in a proposed local historic district that is owned by Adair County, the presiding commissioner must sign the voting ballot as authorized by the county commission.
  - (14) For any property in a proposed local historic district that is owned by Truman State University, the president of the university must sign the voting ballot as authorized by its board.
- (c) *Criteria for consideration of nomination.* The KHPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one (1) or more of the following criteria, based on criteria for evaluation for the National Register of Historic Places:
- (1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;

- (2) Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
- (3) Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
- (4) Its location as a site of a significant local, county, state, or national event;
- (5) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
- (6) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (7) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
- (8) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (9) Its embodiment of design elements that make it structurally or architecturally innovative;
- (10) Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or city;
- (11) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- (12) Its suitability for preservation or restoration; and
- (13) Its potential to yield information important to history and prehistory.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

(d) *Public meeting on landmarks and historic districts.* Upon receipt of a completed nomination of a landmark or historic district, the Kirksville Historic Preservation Commission shall schedule a public meeting to solicit input and comment on the proposed nomination and guidelines for certificate of appropriateness.

(e) *Report and Recommendation of Kirksville Historic Preservation Commission.* The KHPC shall, within one hundred twenty (120) days from receipt of a completed nomination in proper form, adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in section 2-194 of this article. The resolution shall be accompanied by a report to the planning and zoning commission containing the following information:

(1) Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;

(2) Explanation of the integrity or lack of integrity of the nominated landmark or historic district; In the case of a nominated landmark found to meet the criteria for designation:

(1) The significant exterior architectural features of the nominated landmark that should be protected;

(2) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of sections 2-194 through 2-199 of this article;

(3) Archaeological significance and recommendations for interpretation and protection.

In the case of a nominated historic district found to meet the criteria for designation:

(1) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;

(2) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of sections 2-194 through 2-199 of this article;

(3) The type and significance of historic and prehistoric archaeological sites within the nominated historic district;

(4) Proposals for design guidelines of KHPC review of certificates of appropriateness within the nominated landmark or historic district;

(5) The relationship of the nominated landmark or historic district to the ongoing effort of the KHPC to identify and nominate all potential cultural resources that meet the criteria for designation;

(6) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity;

(7) A map showing the location of the nominated landmark and/or the boundaries of the nominated historic district.

The recommendations and report of the KHPC shall be sent to the planning and zoning commission following the vote on the resolution and shall be available to the public in the office of the city clerk, or on the city's website: [www.kirksvillemcity.com](http://www.kirksvillemcity.com).

(f) *Notification of nomination.* The planning and zoning commission shall schedule and hold a public hearing on the nomination following receipt of a report and recommendation from the KHPC that a nominated landmark or historic district does or does not meet the criteria for designation. The meeting shall be scheduled, held, and conducted in the same manner as other meetings to consider applications for zoning map amendments or ordinance amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators.

(g) *Public hearing.* Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The Kirksville Historic Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria for consideration of a nomination set forth in section 2-194 of this article.

(h) *Determination by planning and zoning commission.* Within a reasonable period of time following the close of the public hearing, the planning and zoning commission shall make a determination upon the evidence whether the nominated landmark or historic district does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the planning and zoning commission and shall be accompanied by a report stating the findings of the planning and zoning commission concerning the relationship between the criteria for designation in section 2-194 of this article and the nominated landmark or historic district and all other information required by section 2-194 of this article.

(i) *Notification of determination.* Notice of the determination of the planning and zoning commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and to the nominator within fourteen (14) days following adoption of the resolution. Within thirty (30) days following a determination by the planning and zoning commission that the nominated landmark or historic district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the city council.

(j) *Appeal.* A determination by the planning and zoning commission that the nominated landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district, may within thirty (30) days after the postmarked date of the notice of the determination file with the city clerk a written appeal to the city council.

(k) *Action by city council.* The city council shall, within ninety (90) calendar days after receiving the recommendation that the nominated landmark or historic district be designated or receiving a written appeal, either reject the recommendation or written appeal or designate the landmark or historic district by an ordinance. The city council shall hold a public hearing before enacting

the resolution or ordinance and provide notice and take testimony in the same manner as provided in subsections 2-194 (f) and (g) of this article. The codes and planning director shall provide written notification of the action of the city council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance if passed by the city council and shall be sent within fourteen (14) days of the city council action. A copy of each designation ordinance shall be sent to the members of the KHPC, the planning and zoning commission, and to the codes and planning director.

(l) *The designation ordinance.* Upon designation, the landmark or historic district shall be classified as "H - Historic", and the designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official zoning map of the City of Kirksville shall be amended to show the location of the "H - Historic" zoning district as an overlay zone.

(m) *Interim control.* No building permit shall be issued by the Codes Department of the City of Kirksville for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the Kirksville Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the city council unless such alteration, removal, or demolition is authorized by formal resolution of the city council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

(n) *Amendment and rescission of designation.* The designation of a landmark or historic district may be amended or rescinded upon petition to the Kirksville Historic Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation.

(Ord. No. 11857, § IV, 2-23-2009)

#### Sec. 2-198. Standards for review.

In considering an application for a building or demolition permit or for a certificate of appropriateness, the Kirksville Historic Preservation Commission shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the landmark or historic district. Applications, standards for review and design guidelines shall be available in the office of the city clerk for distribution to the public.

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterizes a historic property shall be preserved.

(6) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (Ord. No. 11857, § VIII, 2-23-2009)

**Sec. 2-199. Design guidelines.**

Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:

- (1) *Height* - The height of any proposed alteration or construction should be compatible with the style and character of the Landmark and with surrounding structures in a historic district.
- (2) *Proportions of windows and doors* - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.
- (3) *Relationship of building masses and spaces* - The set back and relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
- (4) *Roof shape* - The design of the roof should be compatible with the architectural style and character of the landmark, and with surrounding structures in a historic district.
- (5) *Landscaping* - Landscaping should be compatible with the architectural character and appearance of the landmark and or surrounding structures and landscapes in historic districts.
- (6) *Scale* - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.
- (7) *Directional expression* - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- (8) *Architectural details* - Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.
- (9) *Signage* - The character of signs should be in keeping with the historic architectural character of a landmark or historic district. Character of a sign includes the number, size, area, scale, location, type, (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination.
- (10) *Minimum maintenance* - Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a historic district.

(Ord. No. 11857, § IX, 2-23-2009)

The following are summary findings and recommendations organized as short and long term objectives. Because capital financial resources are limited, many recommendations can be achieved with minimal funds. Short term recommendations are those that could start or be completed within 6-12 months.

### **Short Term Recommendations**

1. *Undertake regular clean up, paint up programs.* The City and merchants should work together to keep streets and sidewalks and other public spaces clean. Leaf pick-up should be structured. Sidewalks should be power washed on a regular basis.

2. *Keep sidewalks and streets in good condition, free of obstructions and debris.*

3. *Remove canopies surrounding the courthouse square.* This program should be a public-private partnership. If merchant agreement cannot be reached, a phased program on a block by block or building by building basis should be established.

4. *Implement a merchant policy prohibiting daily long-term employee or owner parking on the square.* Except for deliveries and short term, parking on the square should be reserved for customers.

5. *Continue and encourage seasonal events and downtown improvement programs.* Establish an annual recognition awards program for downtown achievements. Award events increase public awareness and honor good citizenship.

6. *The City should establish through municipal ordinance an Architectural Review Commission who shall be responsible for design guideline review and approval for design proposals in the Old Town District.*

7. *Any new exterior building alterations, including additions, exterior signage, painting, or lighting should be reviewed for guideline compliance.*

8. *Establish a Main Street Program as organized by the National Trust for Historic Places.* State of Missouri, regional and national resources are accessible through this organization. This program offers networking opportunities to learn about successes in other communities.

9. *Investigate the possibility of obtaining certification for listing the Courthouse Square in the National Registry for Historic Places.*

10. *Encourage building owners to utilize State of Missouri investment tax programs for capital improvements.*

11. *Conduct a parking study to provide assessment data for existing and future parking policies and needs.* A parking study is needed to establish precise numbers of available and required parking spaces.

12. *A way-finding and Old Town District street sign program should be defined and implemented.* Specific locations and sign designs should be determined, fabricated and installed.

13. *Continue city planning related to streetscape recommendations for the courthouse square, Franklin and Jefferson streets connecting downtown to Truman State University and A.T. Still University. Conduct utility and traffic studies related to these recommendations.*

14. *Relocate Saturday Market to Elson Street on west side of courthouse.*