

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: August 15, 2011
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- **AIRPORT REPORT**
- **ALTERNATE ROUTE LAND USE/ZONING**
- **ADMINISTRATIVE SEARCH WARRANTS**
- **REVIEW NEWSLETTER (includes miscellaneous topics)**

AIRPORT REPORT

Transportation plays a key role in the development of communities. Kirksville has focused its attention on improving the transportation infrastructure that we have available to us, roadways and air service. On Monday, Airport Manager David Hall will be in attendance to visit with the Council to give an update on the airport. He will have Randy Smith, who is the chair of the Cape Air Kirksville Air Fest and Andrew Bonney, Vice President of Planning with Cape Air who will also share information with the Council about the upcoming air show and the success of the Cape Air air service.

In addition to this update, the following is information for the City Council to understand the history of the airport and the work that has been completed by the City that makes it the facility it is today.

The Kirksville Regional Airport is located seven miles southeast of the city limits. It was constructed in the 1930's as a military auxiliary field. In the 1940s, the facility was used for military pilot training and had 70 based aircraft and instructors. In the late 1950s, the runway was extended to 3,870 feet to accommodate Ozark Airline services. The terminal building was dedicated in 1971 and presently services the area's air passengers and houses the ticket counter for Cape Air one and the Transportation Security Administration flight screening personnel. The airport has fourteen t-hangars and airplane tie downs on the apron.

Over the years improvements have been made to this airport, making it one of the finer general aviation facilities in the state. The primary runway is 100 feet wide by 6,000 feet long. The City's airport was designated an entitlement airport allowing MoDOT to provide funding of up \$150,000 each year since 2001 toward significant capital projects with priority toward safety and federally mandated requirements for Part 139 Airports. Part 139 airports are those able to provide commercial air service. The requirements for

Part 139 airports are greater than those for general aviation. The City has partnered with both MoDOT and the Federal Aviation Administration to meet these requirements. Improvements in the past 10 years have included improvements to the taxiway, apron, airport lighting, signage, wind cone and the construction of an 80 x 80 hangar building and a Fixed Base Operation (FBO) building. The most significant recent improvements made to the airport include the installation of the Instrument Landing System which was made possible through support of former Senator Bond. The ILS is a ground-based instrument approach system that provides precision guidance to an aircraft approaching and landing on a runway, using a combination of radio signals and high-intensity lighting arrays to enable a safe landing during weather conditions such as low ceilings or reduced visibility due to fog, rain, or blowing snow. The 80 x 80 hangar building is now owned by K-REDI. Aside from this hangar building, there are a few other private hangar buildings located on airport property.

The airport generates operating funds through the sale of aircraft fuel, hangar rentals, airplane tie down fees, private hangar ground leases, and rents paid for the commercial air carrier and the TSA. Funds are also received from the City's General Fund, Capital Improvement Sales Tax and Transportation Sales Tax. The largest source of income for the airport is generated through fuel sales – 100 Octane and Jet-A.

Recommendation – It is recommended that the City Council visit with David and our guests. No action or direction is needed.

ALTERNATE ROUTE LAND USE/ZONING

The City successfully annexed a large land area east and north of Kirksville in 2001. The focus of the annexation was a bi-pass that was in MoDOT's long range infrastructure plans.

As part of an annexation process, a plan of intent has to be developed. The 2001 Annexation Plan of Intent proposed the annexed area as residential (R1). The idea, as remembered by staff, was that everything would be brought and zoned R-1. The Plan noted that the annexed area was predominately residential in character, but that there were some properties along Highways 63 and 11 that were commercial. It was the intent of the Council that the most restrictive zoning designation would be established, and then land would be rezoned as development occurred, using the Zoning ordinance. In December 2001, the City Council approved a zoning ordinance establishing the R-1 zoning.

Prior to this annexation and the development of the Plan of Intent, a bypass project had been proposed to route traffic around Kirksville to the east. This project was one of many in the underfunded 15-Year Plan of MoDOT. This 15 year plan was eliminated in 1999 by a five year rolling plan, which did not include the bypass. So at the time of the annexation, the City had no idea when this project would be completed, if it would be completed at all, but wanted to be ready in the event it did, because of the potential impact it would have on the city of Kirksville.

The Alternate Route project became a reality after the completion of the four-laning of Highway 63. It is a cost share project between Kirksville and MoDOT. Instead of a bypass it was developed as an alternate route that is intended to work in conjunction with the existing roadway (Baltimore). As we approach the completion of this project, and as a result of a recent zoning request, the Council believed it important to discuss the current zoning of this land and where or not any changes should be made to the zoning in anticipation of the fall opening of Alternate Route 63.

The Council should be aware that even though the discussion is focused on the land around the now alternate route, the land proposed for rezoning by Petre/Roberts was already in the City Limits before the 2001 Annexation.

City Staff will be present to provide information to the city Council. In addition, Kevin James, Assistant District Engineer for the Northeast District office of MoDOT will be in attendance. A strong partnership between the City and MoDOT and an understanding of the City of the design of the Alternate Route Project will help you to understand what will be allowed in terms of access along this route.

Recommendation – City Council will need to review and discuss this issue and direct staff to make any proposed changes in zoning, following the appropriate process to do so. If the Council wishes to make any changes, it would be advisable to hold a public meeting to, at a minimum, inform property owners of proposed changes.

ADMINISTRATIVE SEARCH WARRANTS

In a previous Newsletter, the City Council was informed that there was interest in pursuing the possibility of the Municipal Judge to issue search warrants. At present, search warrants can be issued for matters relating to corresponding state charges. However, the City has a couple of ordinances (vicious animals, smoke ban and carbon monoxide detectors) that do not have corresponding state charges and therefore, a search warrant cannot be issued should there be probable cause that a violation is occurring.

The City Attorney has issued an opinion that the City can implement an administrative search warrant. The city of Moberly has this tool in place. According to Chief Hughes, the Chief in Moberly advised he could only think of a couple of times they had ever used the municipal search warrant process, and that he thought they were only for animal cases. The Codes and Planning Director spoke to his counterpart in Moberly, who stated they do have the tool in place, but have used it on a limited basis.

Chief Hughes and Brad Selby will be in attendance at the Study Session to visit in more detail with the City Council on this matter.

I will be meeting with the Municipal Judge later in the week to discuss this matter in more detail depending upon the direction of the City Council.

Recommendation – It is recommended that the City Council review the staff report on this matter and discuss the purpose for the request, and the process that would be used should we move forward with administrative search warrants.

REVIEW NEWSLETTER – August 12, 2011 (includes miscellaneous topics)

Attachments

Airport Update Staff Report – David Hall

Alternate Route Zoning Staff Report – Brad Selby

Administrative Sear Warrant Staff Report – Jim Hughes

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Cape Air Update / 2011 Cape Air Fest

STUDY SESSION MEETING DATE: August 15, 2011

CITY DEPARTMENT: Airport

PREPARED BY: David A. Hall

Cape Air

September 17th marks the first anniversary of Cape Air's service at the Kirksville Regional Airport. After the Air Choice One contract was set to expire last summer, the US DOT gave the City of Kirksville an ultimatum that we would need to increase ridership to bring down the per passenger subsidy level to less than the \$200 figure as mandated by the EAS (Essential Air Service) program. Kirksville at the time was approaching \$400. per passenger subsidy levels. Cape Air began offering three flights daily to St. Louis Lambert and has far exceeded the performance of any other air carrier at Kirksville in recent history. Not only has the ridership increased, but the schedule, service dependability, on-time reliability, and convenience has been much better also. From inception through June 2011, Cape Air's subsidy per passenger at Kirksville has been \$172, well clear of the DOT threshold.

Cape Air has partnered with the City of Kirksville in many advertising and marketing programs. They have participated in many local events and have made their presence known throughout the community. An extensive marketing campaign via billboards, radio and TV advertising, along with newspaper ads have been fruitful for our ridership figures. There are many options for the traveling public to buy tickets on Cape Air. They have a bona fide internet presence via Expedia, Travelocity, AA.com and Cape-Air.com, and for the folks who prefer face to face travel arrangements, the downtown ticket office opened last September offering walk-in service most days. With these improvements today we are averaging about 800 passengers per month and are no longer on the chopping block with the DOT.

St. Louis Lambert International Airport continues to be a great partner airport with Kirksville Regional. With the St. Louis Partnership Program, we have been able to improve the flow of passengers at the St. Louis hub and are continuing to refine processes that have hampered some passengers in the past. Coming soon there will be an "airside" shuttle to the east terminal so that the ever popular Southwest Airlines passengers will no longer have to go back through security upon arriving at the Southwest gates. While the spring tornado that hit the C concourse disrupted service briefly, Cape Air has adapted after re-locating to the D concourse. They are conveniently located in the midst of their partner major airline American.

Cape Air Regional Air Fest

The 4th annual Cape Air Kirksville Air Festival is set for September 11, 2011 with a line-up of performers to provide the thrilling, family-friendly entertainment that the residents of northeast Missouri have come to anticipate from the one-day event. With the addition of Cape Air as the title sponsor of the 2011 event, this allows for great opportunity to not only showcase the Kirksville Regional Airport, but also the Cape Air commuter service to St. Louis. The Cape Air

Kirksville Air Festival is a joint venture between the Kirksville Airport Association and the City of Kirksville.

The air festival will once again feature performers who will demonstrate incredible aerial maneuvers. The acts include the United States Air Force A-10 West Demo Team, Skip Stewart in the Pitts Special, aerobat performer Dave Dacy with wingwalker Tony Kazian, Vlado Lenocho in the North American P-51 vintage Mustang, and Bob Pezold in the L39 jet. Performances will take place Sunday between 2 pm and 4:30 pm.

This year's event includes a commemorative ceremony in memory of those that died in the September 11, 2001 attacks and a B-52 fly-over. There will also be opportunities to purchase both helicopter rides and to reserve tandem sky diving on Saturday September 10, 2011. Admission for the event is \$10 per person or \$30 per carload, with free admission for children 5 years and younger. Admission wristbands are available for purchase at the Kirksville Area Chamber of Commerce. They will also be sold at the gate. Parking is free with admission. To purchase tickets or to find more information about performers, the schedule of events and a check list of what attendees should bring to the event, please visit www.kvairfest.com. To reserve tandem sky diving, call the Du Kum Inn at 660-665-9764.

2011 Cape Air Kirksville Air Fest Schedule (Tentative Schedule--Subject to Change)

Saturday, September 10, 2011

8:00 am until Dark (Free Admission)

- Tandem Sky Diving by Skydive Iowa (\$225)--reservation recommended, 660.665.9764
- Air Show Performers will be arriving throughout the day. Come on down and watch them land.
- Airplane rides

Sunday, September 11, 2011

Admission \$10 per person or \$30 per car load

(wristband tickets on sale at Kirksville Chamber of Commerce beginning July 1)

Gate opens at 8:00 am--Air Show begins at 2:00 pm

- Sally Carter, NASA Education Specialist with the Digitalium Portable Planetarium
- NASA Research Aircraft Static Display
- Kid's Zone--FREE all-day play on inflatables--Sponsored by Complete Family Medicine
- Helicopter Rides by Kendall Copters (\$35)
- Tandem Sky Diving by Skydive Iowa (\$225)--reservation recommended, 660.665.9764
- Radio Control Model Aircraft Display by Kirksville Aeromodelers
- Dance Exhibition by Truman State University Swingers
- Food Stands and Exhibits

Air Show at 2:00 p.m.

September 11th Commemorative Ceremony

Music by Truman State University Brass Choir--Dr. Gregory Jones, Conductor

Tentative Line Up

- A-10 Thunderbolt West Demonstration Team--visit their website:
<http://www.acc.af.mil/aerialevents/a10west/index.asp>
- Dave Dacy...Super Stearman Solo Aerobatic Demo

- Jim “Fang” Maroney...Super Chipmunk Aerobatic Demo
- Aerostars...3 Ship YAK 52TW Formation Aerobatic Team
- Dave Dacy-Tony Kazian...Super Stearman Wingwalking Team
- Vlado Lenocho...P-51D Mustang, Solo Aerobatic Demo and USAF Heritage Flight
- Skip Stewart-...Prometheus Pitts
- Erik Edgren...Taylorcraft Comedy Act
- Bob Pezold...L39 Albatross Jet
- Greg Shetterly...OneDesign

Airport Improvement Program Projects

The Kirksville Regional Airport and the City of Kirksville participates in the Federal Aviation Administration’s (FAA) Airport Improvement Program (AIP). As part of the National Plan of Integrated Airports System we are entitled to \$150,000. annually for airport improvement and expansion. Kirksville Regional has been in a phase of safety improvements that have for the last six years essentially brought the airport into compliance with the FAA’s FAR Part 139 certification. With cooperation from the City of Kirksville Engineering staff and Modot Aviation, we have been able to identify improvements that have made the airport successful with an emphasis on the commuter air service safety and success.

Recent improvements include the addition of the Instrument Landing System with new approach lighting system, expanded safety areas including relocation of a county road, installation of enhanced taxiway centerline markings, and surface painted hold signs.

The next project of improvement scheduled for the 2012 construction season will include all new runway and taxiway edge lighting with new, more efficient LED lighting technology. This will replace the existing, troublesome system that is approaching 50 years old. Long range plans include air carrier apron concrete replacement, the addition of snow removal equipment, and an entrance road overlay.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Alternate Hwy 63 Land Uses – Zoning

STUDY SESSION MEETING DATE: August 15, 2011

CITY DEPARTMENT: Codes Department

PREPARED BY: Brad Selby, Codes & Planning Director

The issue of zoning for land that is adjacent to the new Alternate Hwy 63 project has recently come up, due to a request for rezoning land from residential to commercial. Discussion of this subject came up at a Planning and Zoning meeting in May when a local developer requested rezoning of land to C-3, for commercial development. The Planning and Zoning Commission recommended one of three tracts to be rezoned to C-3. When taken to City Council for action, the motion to approve rezoning died for lack of a second. Council wanted time to consider the overall approach to zoning issues in the areas around the new highway.

One issue that was not brought up at the Planning and Zoning meeting or at the city council meeting was the Proposed Land Use Map that is part of the City's Comprehensive Plan. This overall plan was approved in 2004. The map for Proposed Land Use, that is part of the Comprehensive Plan, is presented now to council for consideration. It shows that most of the land on both sides of the highway from Highway 11 north to the junction with existing Highway 63 has commercial use proposed as the best use of the land. The land immediately south of the Hwy 11 intersection is proposed with the same commercial use, and also quite a large lot of the land around the Highway 6 intersection. Most of the land located in between the Highway 6 and 11 intersections that is not proposed commercial is identified as "Maintained Open Space" which is currently R-1, Single Family Residential.

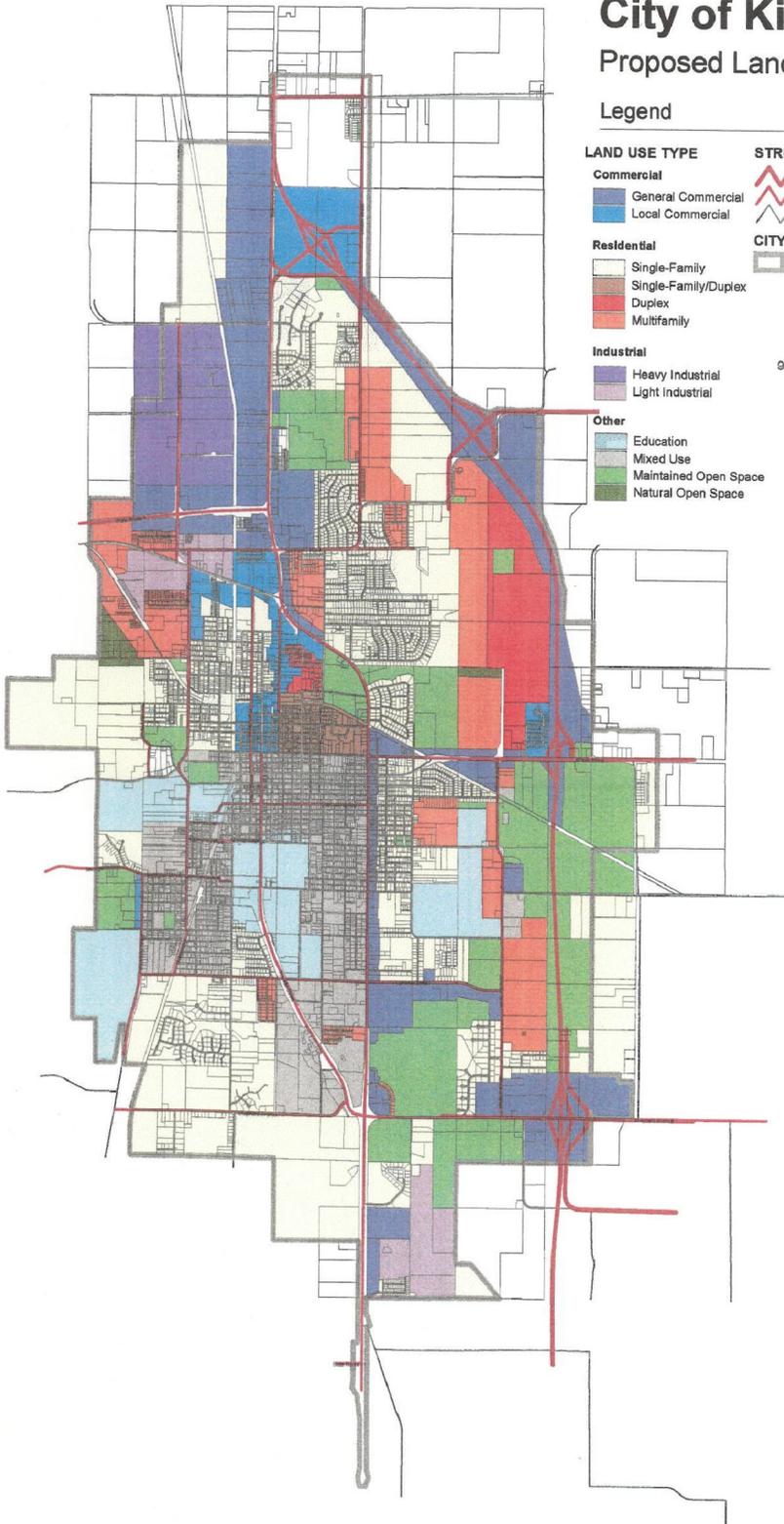
The future opening of the alternate highway is sure to produce more requests for commercial zoning of land, in order to provide services for travelers on the bypass. This Proposed Land Use Map seems to provide a reasonable area for commercial growth and development. If council wants to make changes to the map, or to reaffirm the adoption of these proposed land uses, it will assist city staff in working with developers on their development projects and on rezoning applications.

FIGURE 3.3

City of Kirksville Proposed Land Use Map

Legend

- LAND USE TYPE**
- Commercial**
 - General Commercial
 - Local Commercial
 - Residential**
 - Single-Family
 - Single-Family/Duplex
 - Duplex
 - Multifamily
 - Industrial**
 - Heavy Industrial
 - Light Industrial
 - Other**
 - Education
 - Mixed Use
 - Maintained Open Space
 - Natural Open Space
- STREETS**
- State Highway 63
 - Arterial Streets
 - Collector and Local Streets
- CITY LIMITS**
- City Limits
- 0 0 900 1800 Feet





CP-3
 = Current Planned
 Extensive Business

= Proposed Extensive
 Business C-3

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: MUNICIPAL SEARCH WARRANTS

STUDY SESSION MEETING DATE: Monday, August 15, 2011

CITY DEPARTMENT: Police

PREPARED BY: Chief Jim Hughes

Most municipal ordinances have corresponding State charges. If investigators need a search warrant for these crimes, they apply to the Circuit Court. However, there are a limited number of ordinances (e.g. Animals and Fowl) that have no such corresponding State statute. In those cases, if an investigation would materially benefit from a search warrant, it would have to be issued by Municipal Court. In the past this was an option unavailable to law enforcement in Kirksville. The City Attorney's Office has researched this matter and concluded that the Municipal Court has such authority.

In extremely rare circumstances, the Police Department would like to have the ability to apply for such a warrant. As a note, issuance of warrants, whether municipal, state or federal fall under the same restrictions. They are not automatically granted and are based on an affidavit establishing probable cause; which is reviewed by a judge, and only if warranted by the facts, granted by the court.