

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MSM}
SESSION DATE: May 21, 2012
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room of City Hall

AGENDA:

- **STORM DRAINAGE PROGRESS AND PROJECT UPDATE**
- **DESIGN GUIDELINES AND KDIC UPDATE**
- **USE TAX DISCUSSION**
- **REVIEW COUNCIL AGENDA**
- **REVIEW NEWSLETTERS (May 11 and May 18, 2012)**

STORM DRAINAGE PROGRESS AND PROJECT UPDATE

The City has always addressed storm water management as part of the overall street improvement program. Meaning that we would make improvements adding curb, gutter and storm drains within the City's right of way.

This philosophy started to change slightly with the renewal of the Transportation Sales Tax where citizens were asked to allocate \$50,000 annually toward storm drainage. In essence this approval insured that at a minimum \$50,000 was spent on storm drainage improvements. Around the same time, State and Federal agencies (Environmental Protection Agency and the Missouri Department of Natural Resources) began placing requirements on small cities like Kirksville with separate storm sewer systems to develop stormwater management programs.

By the end of 2008 and well into 2009, the City had experienced excessive amounts of rainfall affecting the community as a whole. Record rainfalls for 2008 and 2009 exceeded the normal annual level of precipitation by 25.68 inches and 12.18 inches respectively. As a result of this and the availability of a financing program, the Council made the decision to take the matter to the voters. In April 2010, the citizens of Kirksville approved the City's request to obtain bonds in the amount of \$2,274,000 to be used toward storm drainage improvements.

The engineering firm of Bartlett & West was hired to work with the city and developed a list of priority projects. Bartlett & West was also hired to work with the city on developing our stormwater management program.

Stormwater improvement projects began last year and are continuing. Bartlett & West has been working to finalize the design of the remaining projects with bids to possibly be awarded in mid-summer.

Recommended Action:

We want to give the City Council an update on the progress made so far and discuss the upcoming plans of Bartlett & West to make sure that the City Council is in agreement with the process.

DESIGN GUIDELINES AND KDIC UPDATE

In 1999, a redevelopment plan was established for the City of Kirksville. As part of that Plan there was an expectation that a committee would be established and guidelines put in place that would oversee the physical improvements made with the downtown area.

Create a Plan Implementation Committee to oversee physical design improvements and coordinate development efforts with business recruitment, development, and marketing efforts. This could be the continuation of the current project Steering Committee. Such a committee can be used to monitor implementation of the plan and measure success. Success will need to be measured through qualitative and quantitative measures. Statistical measures may include tax revenue increase / stabilization, physical projects completed, vacant land and building square footage decreases, business retention and turnover rate, etc. Because such measures may be effected by influences beyond the control of the community, qualitative measures through annual surveys of residents and property owners in the market area (including students, in-town and out-of-town residents and visitors to the area) can be used to capture a satisfaction rating for the area and measure the effectiveness of improvements or changes over time.

The City, along with its partners had been making significant progress towards implementing the directives in the Downtown Plan. The creation of the Kirksville Historic Preservation Commission (KHPC) was one of the results of the Plan. The Council had given the go ahead for the KHPC to develop design guidelines that would be used within the downtown area.

Draft guidelines were presented for review by both the City Council and the Planning and Zoning Commission. As part of the process, a public hearing was then later held before the Planning and Zoning Commission. At that meeting, the chairman of the Commission questioned whether or not the notice process used was correct as it was his interpretation that we were proposing to make changes to the zoning requirements.

City staff then asked that the City Attorney review the matter, and he was in agreement with the chairman. Also at the P&Z meeting were a handful of property owners who were not in support of the document. By this time, the Council asked for more input from the Kirksville Downtown Improvement Committee (KDIC). This was communicated to

the KDIC, who developed a survey instrument to be distributed throughout the downtown to obtain more feedback from the downtown property owners and occupants.

One year after the request, the results of the survey were given to the City and are now included with this Study Session packet. Please note that the survey did not yield a lot of response (8 total responses). We want to discuss the Design Guidelines with the Council and a proposed direction to consider.

Also on Monday, we would like to give the Council an update on the KDIC and its possible future. In the way of some additional background, Kirksville was selected as a DREAM community in 2007. D·R·E·A·M stands for Downtown Revitalization and Economic Assistance for Missouri. It is a comprehensive, streamlined approach to downtown revitalization that provides a one-stop shop of technical and financial assistance for select communities to more efficiently and effectively engage in the downtown revitalization process. The DREAM contract was for three years and obviously has extended beyond that three year period.

Just last week, a final event was held to discuss marketing within the downtown. We are still waiting on the contractor to close this program out and the timing of this close-out. The end of May will also be the end of the funding for the KDIC's Executive Director. One of the things that was hoped to be achieved through the employment of a director was a stable revenue source to allow the KDIC to do events, market these events and the businesses downtown and support the downtown businesses with other programs. As of this time, it is our understanding that the KDIC is looking to take a break for any activities.

Recommendation – The Council is asked to review the Design Guidelines and be ready to discuss if you wish to have an ordinance developed to require all new construction within this area to adhere to the outlined standards. Also, we would like to discuss the status of the KDIC with the Council.

USE TAX

Earlier this year, the Missouri Supreme Court ruled that Missouri communities could not levy sales taxes on purchases of motor vehicles, atvs, boats, trailers, boat motors. For the City of Kirksville, this could mean an annual revenue loss of at least \$57,000 alone to the General Fund and does not include the impact on the Transportation Sales tax, the Capital Improvement Sales Tax or the Economic Development Sales tax. For those Missouri communities with a Use Tax, it will not be a loss of revenues. According to information received there are 176 Missouri communities who have a Use Tax. Missouri residents have long paid sales taxes on vehicle purchases in their home communities during registration.

After learning of this, the Council had asked to have this item placed on a Study Session agenda. It is our intent to review the materials with the City Council and discuss whether or not there is interest in proceeding.

The idea of a Use Tax is to level the playing field from the local and in-state retail providers to those providers out of state. A statewide flat 1.5% local “in lieu” tax was implemented in 1991 with municipalities receiving distributions from July 1, 1992 through April 1996. The Missouri Supreme Court nullified this tax due to the rate being higher than some in-state local sales taxes. The City collected \$658,939 in taxes over this 46-month period and repaid \$347,491 after the tax was declared unconstitutional to satisfy its share of statewide customer refunds.

Communities were then given the option to reinstate the Use Tax using their individual local tax levies. For example, our rate would be 2.25% which is equal to each of the city tax rates currently in place – 1% general, ½% transportation sales tax, ¼% capital improvements sales tax and ½% economic development sales tax for Highway 63 and then an additional cent for the South 63 Community Improvement District.

To implement a Use Tax, the issue would have to be put before the voters. The State of Missouri has already imposed the tax on out of state purchases using the State’s tax rate.

This tax is also for catalog and internet purchases. It is assessed for those purchases where a local sales tax is not collected. An out-of-state vendor who has a facility in Missouri will collect the local and state use tax and remit to the Missouri Department of Revenue. If an out-of-state vendor does not have a facility in Missouri, the purchaser of the goods must file a use tax return with the Missouri Department of Revenue only if they have more than \$2,000 in non-taxed purchases during a calendar year.

It is difficult to estimate since it is based on purchases made from out-of-state vendors. When the City collected the 1.5% rate previously imposed, the City collected on the average of \$14,325 per month. With the removal of the revenues paid to the City for the purchase of vehicles, etc. the amount could easily be a combined total of \$25,000 per month in lost revenue.

The Use Tax affects those businesses and individuals who spend more than \$2,000 per calendar year in out of state purchases. This tax has a lot of merit when leveling the playing field for local vendors. The total local tax on the \$2,000 purchase would be \$45.00. The idea of taxes in the first place is to provide the government with the funds needed to provide the services its citizens expect. As more and more sales are taken out of the local community through catalog, internet and direct sales, it will continue to reduce our effectiveness and ability to meet our community’s needs.

If interested, this measure would go to the voters and could be placed on the November ballot or wait for the April 2013 election.

Recommendation: The recent decision of the Supreme Court has again placed an unfair playing field on another retail sector. Local businesses are competing against out of state sales and internet sales. According to Internet Retailer website, in 2011, 30% of people used their cell phones for holiday shopping. This figure is up 20% from 2010.

This trend is only going to increase as people find it easier to access internet sites through their cell phones. The Council should at a minimum want to educate the citizens on this matter, obtain information from local retailers and present it for public consideration at a future election.

REVIEW COUNCIL AGENDA

NEWSLETTER REVIEW – May 11 and 18, 2012

Attachments

- Storm Drainage Staff Report John Buckwalter
- MS4 Measurable Goals and Implementation Schedule
- Design Guideline Staff Report Brad Selby
- Design Guideline Survey Results
- Design and Building Ordinance (Draft)
- KDIC and CID Staff Report Sarah Halstead
- DOR Use Tax Information
- MML Use Tax Fact Sheet

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Stormwater Program Update

STUDY SESSION MEETING DATE: May 21, 2012

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, PE Public Works Director

There are currently four active areas in the stormwater program:

- The Stormwater Management Program (MS4)
- The bond funded 2011 Projects
- The bond funded 2012 Projects
- The CDBG funded Bear Creek 9 Project

STORMWATER MANAGEMENT PLAN: The City is required by our Municipal Separate Storm Sewer System (MS4) operating permit to have a Stormwater management program (SWMP) addressing six minimum control measures: Public Education and Outreach, Public Involvement and Participation, Construction Site Stormwater Runoff Control, Illicit Discharge Detection and Elimination, Post-Construction Stormwater Management, and Pollution Prevention/Good Housekeeping for Municipal Operations. Bartlett and West assisted city staff in preparation of the SWMP, and it was submitted to DNR on October 19, 2011. The SWMP outlines goals and objectives for each of the six control measures. The schedule for implementation of these goals is attached, and progress will be discussed during the study session.

2011 PROJECTS: On July 18, 2011 Council awarded a contract to Willis Brothers, Inc. for \$1,208,909 for stormwater improvements. The required completion date for that group of projects is June 30th, however the work is now substantially complete, with only punch list items, minor yard repair and clean-up remaining. The 2011 projects included: BC10, Normal Avenue and Fourth Street; FC2, Suburban/ Monte Carlo; SC2 Lincoln and Normal; SC3, Pintail and Gadwell; SC3 Greenway and Canvasback; and SC2, Lewis and Harrison. It is expected that this project will be closed with a net cost of about \$20,000 less than the contract price.

2012 PROJECTS: Bartlett and West began design of the 2012 projects in late 2011. The projects proposed for 2012 include: SC7, Elson Street box culvert; SC2, Bradford to Manor (with scope reduced to replacement of pipe culverts with box culverts at Cottage Grove and Manor Road); and BC4, College Park. It was anticipated that \$436,000 would be available for construction in 2012. Bartlett and West completed 60% designs and revised cost estimates for the 2012 projects in March. The estimated costs, by project were:

Elson Street Culvert:	\$187,402
SC2 Cottage Grove Culvert	\$153,342

SC2 Manor Road Box Culvert	\$158,948
BC4 College Park	\$351,385
Utility relocation for College Park	\$71,785
Total Estimate	\$922,862.

The engineering team presented these plans to staff on April 12th, and has been refining designs and looking at options to reduce the cost on the box culverts at Cottage Grove and Manor Road. It will be necessary to reduce the scope of work at College Park or defer that project entirely to meet available funding. The consultant is reviewing both options. Bartlett and West would like to hold public meetings to discuss the projects in early June, with final design completed in late June, and the project advertised for bid in July.

BEAR CREEK 9. The City was awarded a Community Development Block Grant for storm drainage improvements in the Bear Creek 9 basin in 2010. The grant provides \$300,000 for construction, and calls for City participation of cash contribution and in-kind work totaling at least \$220,000. This project includes curb, gutter, and storm drainage work on Wall, George, Patterson, Link, and Baird Streets west of Osteopathy, and on Wall, Ann, and Wabash Streets east of Osteopathy. Channel improvements will be made on Bear Creek between Ann Street and First Street. The project was advertised on May 14, and bids will be opened on June 5th. City work will begin with utility relocations, starting not later than May 21. After review and award by Council, it is expected that the contractor will begin work on July 9, with an expected substantial completion date of October 7th, with final completion required by November 5th. The estimated cost of the project is \$628,328 including \$564,657 by contract.

City of Kirksville MS4 SWMP

MEASURABLE GOALS AND IMPLEMENTATION SCHEDULE

Minimum Control Measure Goal	Description	Implementation Schedule
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Measure 1 - Public Education & Outreach

Watershed Commission Liaison	Continue as a member of the Commission, assisting the Commission, and promoting active participation	On-going
Informational Brochures	Prepare brochures for household hazardous waste, grass disposal, and the dumping of oil in sewers. The brochures will be made available to the public at City Hall, and the Community Center. One brochure will be prepared every 4 months.	February 2012
Local Media	Once a month use the hour segment on radio station KTTR called "Area Scene" to keep the public informed on events, public input, or discuss a specific aspect of the SWMP	March 2012
Local Newspaper	Twice a year have a news release in the Kirksville Daily Express related to a particular aspect of the SWMP for Citywide coverage	April 2012

Measure 2 - Public Involvement/Participation

Stream Cleanups	Organize two stream cleanups a year	On-going
Stencil Sewer Manholes/Inlets	Involve local junior high school and high school students in stenciling sewer inlets and manholes. The goal is to stencil the entire City system in a 5-year period. The City Engineering Department will create the stencils needed for this task, and determine each year's stenciling areas.	April 2012
WQ Monitoring Assistance with Truman State	City to coordinate with Truman State Biology students in the Environmental Science Department in performing stream monitoring and water quality sampling. City will help identify sampling locations, and store the data	On-going

Measure 3 - Construction Site Stormwater Runoff Control

Modify City Ordinances	Modify ordinance to include the institution of a Land Disturbance Permit; authorizing plan review and inspection; and enforcement to impose fees and penalties	Draft 2012 Adopt 2013
Design Requirements for ESC	Adopt BMP design guidelines	September 2012
Plan Review Checklist	Create a plan review checklist to be used for reviewing and approving plans in order to issue a Land Disturbance permit	December 2012
Inspection Forms	Create inspection forms to be used for inspecting land disturbance sites for ordinance compliance	December 2012
Other Forms and Checklists	Make other forms and checklists that will be used in conjunction with the ordinance wording	December 2012

Measure 4 - Illicit Discharge Detection and Elimination

Citizen Reporting	The City currently has a method for citizens to report illicit discharges called “Citizen Service Request Tracker”. This system allows for the tracking of a problem until it is abated	On-going
City Staff Inspection	Inspect 20% of the storm sewer outfalls annually by public works staff. Establish a database for recording the inspection.	February 2012
Storm Sewer Map & Watershed Map	Have mapping that shows the storm sewer system in order to trace the source of an illicit discharge	Currently have these maps
Training & Procedures	Have an annual training session with Staff on recognizing and looking for illicit discharges as they perform their normal duties, and to set up an administrative procedure to follow up on finding the source of the discharge and the responsible party	January 2013
Modify City Ordinance	Prepare an ordinance within Section 25 Article III of the City Code to address illicit discharges into the drainage system with a method of fining violators	Draft 2012 Adopt 2013

Measure 5 - Post-Construction Stormwater Management

Design Manual for permanent runoff control	Prepare a design manual that establishes performance standards for runoff controls, and long-term BMPs that need to be built during the construction of new developments and redevelopments	March 2014
Permanent BMP Map and Database	The ordinance will identify City and private maintenance responsibility for the maintenance of permanent BMPs. Once the ordinance is adopted, a map and database will be created to identify those permanent BMPs.	October 2012
Subdivision Ordinance Modifications for permanent BMPs	Have an ordinance that establishes performance standards for runoff controls, and the required long-term BMPs for new developments and redevelopments	Draft 2013 Adopt 2014
Plan Review Checklist for Permanent BMPs	Add to the plan review checklist in Measure 3, items for permanent BMPs.	2013
Permanent BMP Inspection Checklist	The ordinance will identify City and private maintenance responsibility for the maintenance of permanent BMPs. Once the ordinance is adopted, a map and database will be created to identify those permanent BMPs.	2013

Measure 6 - Pollution Prevention/Good Housekeeping for Municipal Operations

Staff Training	Conduct an annual pollution prevention workshop for the Parks Department and Public Works Department to discuss the standard operating procedures that could introduce pollutants to the drainage system.	January 2013
Chemical Handling Procedures	Proper procedures for the handling of chemicals by Staff will be discussed at the annual pollution prevention workshop	January 2013
Spill Prevention Plan	A spill prevention plan will be developed to identify procedures for spill containment, and proper handling of hazardous chemicals	January 2014

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Downtown Building Design & Review

STUDY SESSION MEETING DATE: May 21, 2012

CITY DEPARTMENT: Codes Department

PREPARED BY: Brad Selby, Codes & Planning Director

On April 13, 2011, the Planning and Zoning Commission held a public hearing for a proposed ordinance for Downtown Design Guidelines. This ordinance would have regulated any changes or modifications to exterior features of existing downtown buildings. The property owners would have to get approval for these changes from a Design Committee or the Kirksville Historic Preservation Commission. Several citizens at that meeting expressed their disapproval of the proposed ordinance. The Chairman of the P&Z at the time did not feel that the ordinance was presented properly and felt that it was more closely related to a Historic District than a Downtown Design Guideline.

The proposal was dropped because of the opposition of downtown property owners. Due to our request for a show of support or direction, the new Executive Director of the Kirksville Downtown Improvement Committee eventually sent property owners a survey. The survey essentially asked the following:

- (1) Should specific exterior features of buildings be enforced as an ordinance of a proposed Downtown Design Guideline, or
- (2) Should there just be a set of guidelines established for owners to observe, with no obligation to abide by them.

Last month, we finally received the results of that survey. Though only ten surveys were returned, the majority of people wanted to see voluntary guidelines on 17 of the 19 building features listed. On the remaining two features, Additions and New Construction, respondents listed a very slight majority in favor of an ordinance. Though an argument could be made to establish an ordinance called Downtown Building Design & Review for a review/approval of the design for any New Construction or buildings that have an Addition made to them, (in the designated area of the Central Business District), it does not seem to me that we have the needed support of property owners.

I have attached a draft of a proposed City Ordinance that would require design approval for New Construction or Building Additions. If council believes this will enhance the downtown business climate and enhance historic preservation, this new proposal can be forwarded again to the Kirksville Historic Preservation Commission, and then on to the Planning and Zoning Commission for their individual attention and action.

A separate set of voluntary Downtown Design Guidelines would be provided on the City's Website on how to do appropriate renovations or changes in the downtown area.

2011 DOWNTOWN SURVEY SUMMARY

STOREFRONTS	O O	O	G	G	G G	G O	-	Guidelines majority; chose 1, 3, & 6 to be Guidelines only.
ENTRANCES	O O	O	G	G	G G	G O	-	Guidelines majority; two chose 1, 2, & 5 as Guidelines only.
DISPLAY WINDOWS	O O	O	O	G	G G	G BOTH	BOTH	tied 4 and 4. The two ppl both, 1 - O & 2 - G.
TRANSOM WINDOWS	O G	G	O	G w/ 2nd neither	G G	G BOTH	O	Guideline majority; both 1st one ordinance.
BULKHEADS	O O	G	G	G w/ 1st neither	G G	G O	O	Guideline majority; 1st Ordinance person 3rd one guideline.
STOREFRONT CORNICE	O G	G	G	G	G G	G O	O	Guideline majority
SIDE PIERS	O O	O	G	G	G G	G O	O	tied 5 and 5.
AWNINGS	O G/O/G/O/O	G/-/G/O/O	G/G/O/-/?	N/N/G/-/N	G G	G O	O	don't really have a suggestion for this topic...
MASONRY WALLS	G O w/ 3rd G	G	G w/ 1st O	G	G G	G G w/ 1st O	O w/ 1st G	Guideline majority
TUCKPOINTING/REPOINTING	G O	O	G	G	G G	G O	O	Guideline majority
SIDING	O O/G	O/G	O/G	G	G G	G O	G/O	Guideline majority
PAINTING	O O	G	G	G	G G	G BOTH	G	Guideline majority
ROOFS	G O	O	G	G	G G	G O	O	Guideline majority
CORNICES	O O/G	O/G	G	G	G G	G O	O	Guideline majority
BUILDING NAME	O G	G	G	G	G G	G O	O	Guideline majority
UPPER STORY WINDOWS	O G/O/G/G/G	G/O/O/O/G	G/O/G/G/O	G	G G	G O	O	guideline majority by a very slim margin.
SHUTTERS	O G/O	G	O/G	G	G G	G O	O/G	Guideline majority
ADDITIONS	O O/G/G	O	O	G	G G	G O	O	Ordinance majority by a very slim margin.
NEW CONSTRUCTION	O 1, 3, 6, 8 - O; 2, 4, 5, 7 - G	1-4, 7 - O; 5, 6, 8 - G	O	G	G 1st 5 - O; last 3 - G	G O	O w/ 2nd G	Ordinance majority after researching in depth.

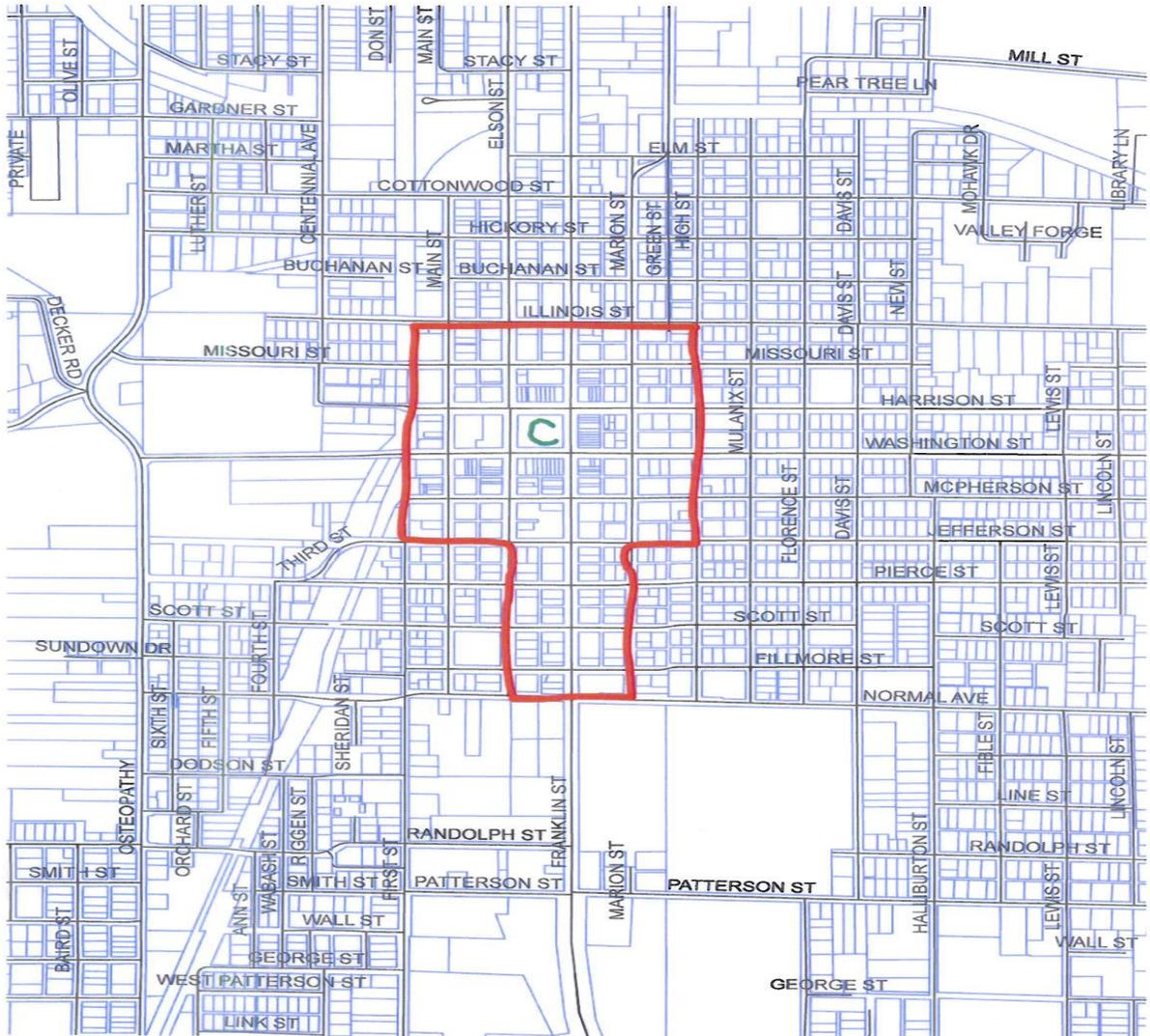
Downtown Building Design & Review Ordinance
Draft 5-16-2012

- I. General
 - A. Purpose

The purpose of the Downtown Building Design & Review Ordinance is to ensure that any new buildings being constructed in the Downtown Area, or buildings that have additions built on that increase the square footage of the building, after the effective date of this ordinance, are architecturally coherent, and do not conflict with the historic appearance of other buildings in the area.
 - B. The Downtown Building Design & Review Ordinance does not apply to any new structure that is designed to be a 1- or 2-family home in the designated area. All other new buildings would be required to comply.

- II. Designated Area of Downtown
 - A. The downtown area of Kirksville, Missouri affected by this ordinance includes that part of the City that is contained within the following area: Beginning at the intersection of Normal Avenue and Elson street; continuing north up Elson Street to Jefferson Street; then West on Jefferson Street to First Street, then north on the old Norfolk and Western Railroad right-of-way to Illinois Street, then East on Illinois Street to High Street, then South on High Street to Jefferson Street, then West on Jefferson Street to Marion Street, then South on Marion Street to Normal Avenue, then West on Normal Avenue to the place of beginning, at the corner of Elson Street and Normal Avenue.

- III. Kirksville Historic Preservation Commission (KHPC) responsibilities for Design and Review
 - A. The KHPC is responsible for reviewing applications for approval of new construction or for additions to existing buildings. The review is to review those exterior features and materials, to ensure that it does not conflict with existing architectural features of buildings in the downtown area.
 - B. A Design Committee of two people, with an alternate person available, from the Kirksville Historic Preservation Commission (KHPC) will evaluate requests for a Certificate of Appropriateness for this new construction.



IV. Approval Procedures

A. Design Review Process

1. Applicants who wish to add on to existing or to build new structures should contact the Codes Department at Kirksville City Hall as early in the planning process as possible. Approval is granted via a Certificate of Appropriateness.
2. Drawings of the building additions or the new construction drawings, pictures, or artists' renderings of any new building must be presented to the codes staff.
3. The Design Committee will be contacted to make the decision. If the Design Committee is all that is needed, they will be contacted for a meeting date and time in order to discuss the project. If the Design Committee is unable to make a decision, the Codes Department will add an agenda item to the next

- possible meeting of the KHPC to consider approval of the new construction.
4. The applicant will need to bring any information to the meeting that they think is necessary for the Design Committee or the KHPC to make an informed decision. This could include samples of materials, colors, designs, or other information.
 5. The Design Committee or the full KHPC will decide by majority vote on the appropriateness of the project.
 6. If approving a project, a Certificate of Appropriateness (COA) will be issued to the applicant. This COA will be required to obtain the building permit for the work to be done. Work can commence as soon as a building permit is issued.
 7. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The KHPC or the Design Committee shall make recommendations to the applicant concerning changes, if any, in the proposed plans that would cause the KHPC to reconsider its denial. The applicant may resubmit an amended application, or the KHPC may approve a project with stated stipulations that would include the changes agreed on.

V. Building Features

A. Building Design Review Criteria

1. Storefronts
 - a. Continuous storefronts are strongly encouraged even where offices and restaurants occupy the first floor spaces.
 - b. When a new storefront is built, it must be constructed of materials similar to those of historic storefronts (i.e., metal or wood frames and glass) with proportions, heights, and profiles that are appropriate to prevailing existing storefronts.
 - c. New storefronts must be constructed with an appropriate recessed entrance.



2. Entrances

- a. Double entry doors and pairs of doors were common and are encouraged.



3. Display windows

- a. The size, division and shape of display windows within an overall storefront frame is encouraged. Glass must be transparent.
- b. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited in the Downtown Area.



DO



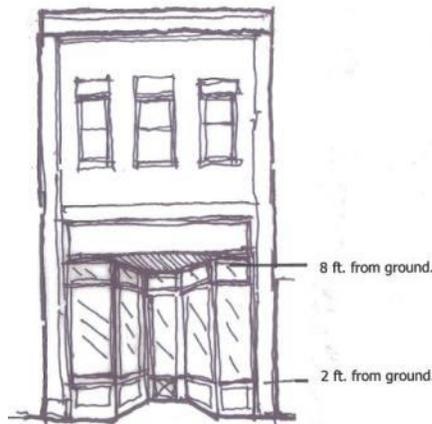
DON'T

The building on the top displays good placement of windows, and follows the rule that windows on top floors should be smaller than 1st floor windows. It also includes attractive display windows.

The building on the bottom has a mixture of different style windows that gives the building an unorganized look.

4. Transom windows
 - a. Transom windows may be clear, beveled, leaded, etched, or prism glass. The area can also be used for signage, painted on the glass.
5. Bulkheads
 - a. New bulkheads shall be a material appropriate to the particular storefront and structure. Typically, bulkheads were constructed of wood panels, polished stone, glass, tile, or stone. New bulkheads must be compatible with surrounding storefronts. A bulkhead is defined as the front of the store area that is below the display windows.
 - b. Simplified bulkheads may be provided for new storefronts.
6. Storefront cornice
 - a. Storefront cornices are encouraged with the use of traditional materials.
7. Side piers
 - a. Where side piers are used, they should be constructed of the same material as the upper façade, or occasionally a contrasting masonry material, if appropriate to the particular building.
8. Awnings
 - a. Traditional shed type cloth awnings with a valance are encouraged.
 - b. Awnings may be fixed or retractable. Awnings shall not be shiny, synthetic materials. The awning materials must be of cloth or canvas. Barrel vault, semi-circular or umbrella forms are not appropriate, nor are aluminum, wood, or plastic materials. Aluminum, wood, or painted steel is appropriate for the framework of an awning.

- c. Signage on the valance part of the awning, in compliance with the sign ordinance, is acceptable.
 - d. Awnings may be positioned above or below transom windows, and must should be compatible with surrounding buildings, or as approved by the Design Committee or KHPC.
 - e. Fixed metal canopies, of the type installed in the mid-1970's that exist in the downtown area at the effective date of this ordinance, will not be approved if they are part of a building plan presented to the KHPC for approval.
9. Masonry Walls
- a. The use of waterproof or water repellent coatings on masonry walls is discouraged, unless applied to solve a specific problem.
10. Siding
- a. Siding is prohibited as a covering over any masonry structures in the designated area, even cement block.
11. Painting
- a. Colors should be complementary with surrounding buildings. Color should be used to tie building elements together. This is usually most successful when a maximum of three colors is used. Elaborate color changes within a decorative surfaces is neither historically accurate nor aesthetically desirable.
12. Roofs
- a. Roofs that are visible from a public right-of-way can be of modern materials as long as they do not detract from other buildings in the area and are approved by the Design Committee or the KHPC.



Appropriate window heights for a storefront.

13. Upper Story Windows

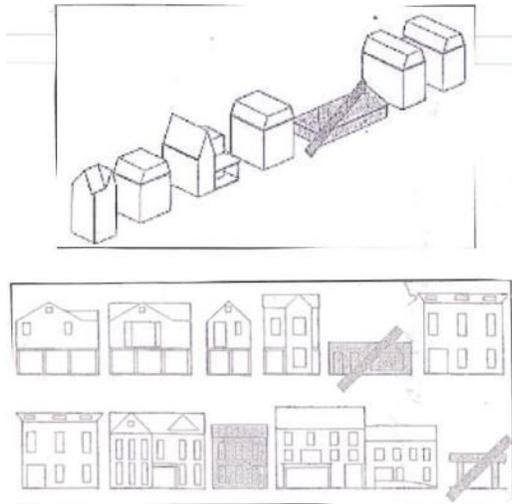
- a. The size, proportion, placement, and style of windows combine with the solid masses of the exterior façade to establish balance and create visual harmony in the building's exterior appearance, and blend with adjoining building facades and architecture. The location and materials used all would be reviewed by the Design Committee or KHPC for possible approval.
- e. Storm windows may be used to conserve energy. Building owners should consider interior storm windows, which may be more practical to install and maintain.

14. Shutters

- a. Shutters are prohibited.

15. Additions in Existing Storefront Areas

- a. Additions shall match existing buildings in terms of shape, proportion, mass, materials, and colors.
- b. New additions shall be located so there is the least possible loss of historic materials and so that character defining features are not obscured.
- c. New additions shall be designed in a manner that makes clear what is historic and what is new, and must also be sympathetic to the historic structure.



16. New Construction

- a. New construction shall be sympathetic to the architecture of the surrounding buildings so it does not detract from the historic character of the district.
- b. Buildings shall be constructed of traditional materials.
- c. Artificial siding and metal fascia is prohibited.
- d. Buildings shall be oriented along the street.
- e. Attempt to reflect the height of adjacent buildings. If the heights of the

- buildings on each side of a site are different, aim for the average height.
- f. Any side of a building that is visible from a street or sidewalk must have windows. Blank walls detract from the streetscape.
- g. Window trim should be finely crafted and appropriate for the style of the building.
- h. Colors must be complementary with surrounding buildings. Color should be used to tie building elements together. This is usually most successful when a maximum of three colors is used. Elaborate color changes within a decorative surface is neither historically accurate nor aesthetically desirable.

17. Parking

- a. Parking areas placed in the downtown should not break up the streetscape. Any off-street parking areas must be approved by the Design Committee for placement.



VI. City staff responsibilities

- A. City staff is responsible for obtaining information from applicants for the work desired in the downtown area, to deliver necessary information to the Design Committee, to add agenda items to the KHPC agendas, and to inform KHPC members and applicants of the meeting dates and of the information required and needed at the meetings to ensure that the Design Committee or the KHPC is able to make a complete decision on the project.
- B. City staff will make sure the Certificate of Appropriateness is available for signatures so that if a favorable vote is received for a project, the members can sign appropriately.

VII. Appeals to Kirksville City Council

- A. If the Kirksville Historic Preservation Commission denies an application for a Certificate of Appropriateness, the KHPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If an agreement cannot be reached within thirty (30) days, the applicant may file with the Codes and Planning Director a written appeal to the Kirksville City Council. In acting upon the appeal, the Council may grant a variance from the strict interpretation of this article when such will not materially affect the health or safety of the applicant and general public.

VIII. Signs

- A. Signs in the Designated Area of Downtown Kirksville must meet all Sign Code provisions as stated in the appropriate sections of the Sign Code, Chapter 6, Article XI.

IX. Violations and Penalties.

- A. Penalties and fees for a violation of any of the above sections of the city ordinance is punishable under Section 1-7 "General penalty; continuing violations".

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: KDIC & Downtown CID Update

STUDY SESSION MEETING DATE: May 21, 2012

CITY DEPARTMENT: Economic Development

PREPARED BY: Sarah Halstead

The KDIC Director position was funded for two years through CDBG funds obtained by the City on their behalf. The purpose of the grant was to hire a full-time KDIC Director with the primary goal of finding a way to sustain the KDIC through a stable funding source. Over the course of the grant, the KDIC has employed three different individuals to serve as director. The current director, Jeremy Pingel, has served since May 2011.

One of the priorities for the Director, as outlined through the grant, was the implementation of a Community Improvement District (CID). The KDIC spent quite some time on this process, and our City Attorney assisted them with the legal process. These expenses have been reimbursed to the City through the CDBG funding.

At this time, KDIC Director Jeremy Pingel has stated that there is not enough support to proceed with the CID based upon the State Statute requirement that the petition "must be signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district".

On behalf of the KDIC, the City has asked Attorney Howard Hickman whether or not the City's property, as well as other tax exempt organizations such as Truman State University and A.T. Still University could be given an assessed value, even though there are no taxes to be collected. However, the funding for the director position will be exhausted by the end of May, and we do not see that they will have the resources to proceed with the CID.

The KDIC will meet again on May 22nd, to determine where they will go from here. They have discussed disbanding completely, or continuing on only doing the bare minimum to keep their 501(c)(3) status. The KDIC's final event, a Pet Parade and Adopt-A-Pet event, is to be held this Saturday, May 19th, on the Courthouse Square.

DOR FACT SHEET
Use Tax

Use tax is imposed on the use, storage or consumption of tangible personal property shipped into Missouri from out of state. The state use tax rate is also imposed at a rate of 4.225%. In addition, cities and counties may impose local use tax. The amount of use tax paid on the transaction will depend on the combined local use tax rate in effect at the Missouri location to which the tangible personal property is shipped. Either the out-of-state seller will collect and remit the use tax directly to Missouri or the purchaser is responsible for remitting the tax to the department if the out-of-state seller does not collect use tax on the transaction. Local use taxes are distributed in the same manner as sales tax. Missouri cannot require out of state companies that do not have nexus or "direct connection" with the state to collect and remit use tax.

Any vendor and its affiliates selling tangible personal property to Missouri customers should collect and pay sales or use tax in order to be eligible to receive Missouri state contracts, regardless of whether that vendor or affiliate has nexus with Missouri.

Effective August 28, 2003, Section 34.040.6 states, "The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 114, RSMo. For purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise."

CITY USE TAX FACT SHEET From Missouri Municipal League

Municipalities May Enact A Use Tax

Sections 144.757.144.761 RSMo. authorizes any incorporation city, town or village to impose a local use tax.

What is the Local Use Tax?

The local use tax is applied, in lieu of the local sales tax, on transactions that individuals and businesses conduct with out-of-state vendors, including catalog and direct market sales.

Is This a Fair Tax?

Yes, the main purpose of the local use tax is to create a level playing field for your local retail businesses that must collect the city sales taxes. Currently, your local retailers are at a competitive disadvantage with out-of-state vendors who do not have to collect local sales taxes. The local use tax will fix this "loophole."

City Adopting a Use Tax Must Submit Ordinance to Voters

The governing body of any city may adopt a local use tax ordinance. However, the proposal must be submitted to the voters of the city at either a city, county or state general, primary or special election and receive a majority of the votes cast on the proposal.

What Use Tax Rate is Authorized?

The city may impose a use tax only at the same rate as its city sales tax rate. If the city's sales tax rate is repealed, reduced or increased, by voter approval, then the city's use tax rate is similarly repealed, reduced or increased.

What if the City's Voters Turn Down the Use Tax?

If the voters of the city do not authorize a local sales tax, the legislative body of the city may submit the sales tax proposal again at the later election. There is no limitation as to how many times the local sales tax proposal may be submitted to the electorate.

When Does a City Use tax Ordinance Take Effect?

If the city voters approve the use tax on August 6, 1996, then the tax becomes effective October

1, 1996, as long as the Director of Revenue receives notice of adoption of the local use tax on or before August 16.

If the city voters approve the use tax after December 31, 1996, then the tax becomes effective on the first day of the calendar quarter which begins at least forty-five days after the Director of Revenue receives notice of adoption of the local use tax.

How is the Tax Collected?

If the out-of-state vendor has a facility in Missouri, the vendor will collect the local use tax, along with the state use tax, and remit both to the Missouri Department of Revenue (DOR). If the out-of-state vendor does not have a facility in Missouri, the purchaser must file a use tax return with DOR but only if the individual or business has more than \$2,000 in such purchases during the calendar year.

The State Director of Revenue Collects the tax for the City.

Under the law, the State Director of Revenue collects both the state and city use taxes. City taxes, less charges for collection, are sent back to the city imposing the tax. A city receives only the amount of tax imposed by it and collected from it. Thus, while the state is not sharing any of its revenues with a city imposing a local use tax, the state is providing its collection machinery, and no additional collection machinery or additional personnel will be required by the city in order for the city to receive a city use tax.

What Does the State Charge for the Collection of the City Use Tax and How is the City tax Accounted For?

The Director of revenue is required to deposit all city use taxes collected in a special City Use Tax Trust Fund, less one percent for the cost of collection. The one percent deducted, less the cost of premiums on surety bonds, is deposited in the State General Revenue Fund. The Director of Revenue of the state is to keep an accurate record of the amount of money collected from each city.

When is Local City Use Tax Money Distributed to the City?

The law provides that not later than the tenth day of each month the State Treasurer will distribute all moneys deposited in the City Use Tax Trust Fund during the preceding month to the city treasurer or to any other officer as may be designated by city ordinance of any city imposing the use tax.

What Purchases are Exempt From the Use Tax?

If an item is exempt from the state and local sales tax, it is also exempt from the state and local use tax, including raw materials and component parts used in manufacturing, machinery used in manufacturing, farm equipment, etc.

How much will My City Receive from a Local use Tax?

It is very difficult to estimate the revenue for a local use tax because it is based on the purchases made by individuals and businesses in your city from out-of-state vendors. There is no information available on such sales in prior years.