

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager
SESSION DATE: May 6, 2013
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **UPDATE ECONOMIC DEVELOPMENT PARTNERSHIPS**
- **REVIEW OF PROPOSED HUMAN RIGHTS COMMISSION**
- **DISCUSSION OF RESULTS BASED WELLNESS AND CITY HEALTH PLAN**
- **REVIEW NEWSLETTER – April 12, 2013**
- **REVIEW COUNCIL AGENDA**

UPDATE ECONOMIC DEVELOPMENT PARTNERSHIPS

On Monday, our economic development partners will be at the Study Session to give the City Council and update on the work they are doing. Carolyn Chrisman with K-REDI, Dan Hamlet with MREIC and Debi Boughton with the Tourism Office will be in attendance.

Along with the update, the City Council will be asked to consider whether or not to undertake additional liability in support of the Red, White and Blue Festival. This event was established by the Kirksville Area Chamber of Commerce as a way to raise funds to pay for the fireworks for the 4th of July. This year, the Chamber has decided not to organize the event and the Tourism office has chosen to undertake the task of planning this event. The Tourism Director and city staff has met to discuss whether or not the City would be a partner in this event which would mean that we would provide the insurance coverage for the activities. A number of the planned activities take place on city property (Splash Bash, Disk Golf, and Cemetery Theater). The Tourism Office would be able to purchase an additional policy to provide coverage to the City for any liability but has asked if the City would undertake that liability. We will discuss this in more detail with the Council.

Also included with this report is a staff report on a proposed incubator to be housed at the City's EDA building. The Council is asked to consider whether or not you support the use of this space to assist in business development.

On a side note, at the request of the Council, the Tourism Office has been asked to consider adding interchangeable panels to their proposed highway sign to recognize community achievements and to also promote local events and festivals.

Recommendation: This is an opportunity to meet with our economic development specialist and discuss their current work. Please share any ideas you have with these individuals.

REVIEW OF PROPOSED HUMAN RIGHTS COMMISSION

At the last Council Study Session, several members of the City Council expressed an interest in pursuing a Human Rights Commission. Aaron Malin and I have worked together to develop a draft ordinance that incorporates the City's existing Fair Housing ordinance with a Human Rights Commission.

Mr. Malin will be in attendance on Monday to provide an overview of the purpose of a Human Rights Commission. We will also review the draft ordinance to determine what changes if any the Council wishes to make.

Additional work to insure proper form for codification will need to be completed on the ordinance before it is presented on the 20th.

Recommendation: Once the review has been completed and if the Council is ready to move forward with this Commission, it will be prepared and presented at the May 20 City Council agenda.

DISCUSSION OF RESULTS BASED WELLNESS AND CITY HEALTH PLAN

Earlier in the year the City Council discussed the results of our wellness program. The Council was pleased with the overall results and positive impact the program has had on the costs of the City's health program.

The Council asked that we bring back this discussion so that a decision could be made concerning whether or not increase the percentage discount for those individuals who meet their health index goals from 20% to 30%. The Council also wanted to discuss whether or not to extend a 50% cost share with those employees who are on the health plan, who are smokers.

Finally, there is a report from Katie Myers, Finance Director concerning the City's obligation for post retirement benefits. The report is called the OPEB report which means Other Post Employment Benefits. These are benefits that we provide to retirees. At present, the City allows those individuals who retire from the City the ability to retain their health insurance provided the retiree pays the premium costs. Due to changes in financial reporting, we are required to account for the value of this additional benefit and its impact on the City's overall financial picture. According to the evaluation that was just completed (we are required to have this benefit evaluated every 3 years); the calculated cost of providing this benefit to retirees is over \$160,000.

Recommendation: Staff will review the potential discount levels and cost share allowances with the Council and review the OPEB report giving staff direction on how the Council wishes to proceed with health insurance discount levels and the provision of health insurance benefits for retirees.

NEWSLETTER REVIEW – May 3, 2013

REVIEW COUNCIL AGENDA

Attachments

Economic Development Staff Report from Melanie Smith, Assistant City Manager
K-REDI Operational Plan
Incubator Staff Report from Melanie Smith, Assistant City Manager
Human Rights Commission Ordinance
Results Based Wellness Program Staff Report from Pat Meredith, Human
Resources Director
OPEB Staff Report from Katie Myers, Finance Director

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Economic Development Update

STUDY SESSION MEETING DATE: May 6, 2013

CITY DEPARTMENT: Economic Development

PREPARED BY: Melanie Smith, Assistant City Manager

The City Council supports Economic Development through a variety of approaches each year. The key players in the Kirksville area are the Kirksville Regional Economic Development, Inc. (K-REDI), Missouri Rural Enterprise and Innovation Center (MREIC)/ Small Business & Technology Development Center (SBTDC), Kirksville Tourism Office and the Economic Development Staff working for the City. The employees from each of these organizations meet at least quarterly to discuss projects, collaborations and share ideas. Below is a summary of the types of functions that each organization is responsible for:

K-REDI

K-REDI's mission is to increase economic development in Kirksville and the surrounding area.

Kirksville Regional Economic Development Inc., better known as K-REDI, is a 501 C-3 corporation. The purpose of K-REDI is "to establish a primary industrial development vehicle for Kirksville and the surrounding area." The objective is to create and retain jobs in Northeast Missouri by recruiting and expanding industrial firms in this geographic area, through such activities as selling the Kirksville area to industrial firms, purchasing speculative industrial sites and buildings, and leasing properties to industrial concerns.

In 2003, K-REDI began contracting with the City of Kirksville to provide economic development services. K-REDI's dues-paying and honorary members elect a 17-member board that guides the day-to-day affairs of the corporation. Annual dues paid by community members and businesses range from \$250 to more than \$5,000, depending on the membership classification chosen.

MREIC/SBTDC

MREIC/SBTDC's mission is to help small businesses grow and succeed.

The Missouri Rural Enterprise and Innovation Center (MREIC)/ Small Business & Technology Development Center (SBTDC), provides small business with free, easy access to business planning, marketing and development. The program is a cooperative effort of the private sector, the educational community, and federal, state, and local governments, and is a part of a state-wide network for training and counseling services.

MREIC/SBTDC work with businesses one on one to determine their business needs. Since each business is unique, the assistance received is individualized to meet those needs. We assist clients in the areas of start-up, marketing, finance, and technology

commercialization.

KIRKSVILLE TOURISM PROGRAM

The Tourism Program works to attract visitors to Kirksville for events, conferences, tours, hunting and much more. The Director of Tourism works with a variety of community groups to plan community events including Bacon Festival, Kirksville Air Festival, Red, White and Blue Festival, St. Patrick's Day Events, etc. The program also offers a cooperative marketing program for other small events in our community.

ECONOMIC DEVELOPMENT DEPARTMENT

City staff work on retail business attraction and development. They update the City website, Community Profile and Business Resource Guide. They also provide technical assistance for business expansion and retention. They administer various grant programs made available through private and public funding sources including Community Development Block Grants.

Representatives from each organization will be at the Study Session on May 6th to provide the council with an update of current projects and programs.

2013 Operational Plan for K-REDI
Approved March 12, 2013 Board Meeting
1st Quarter update for City Council

Organizational:

In order to have an efficient and well-run organization, K-REDI will:

- Adopt an annual budget 30 days prior to the start of the subsequent fiscal year. A draft budget will be prepared for the November board meeting and a final budget will be adopted at the December board meeting. The budget will then be submitted to the City of Kirksville by February 1st. **Budget was adopted at December Board meeting and City Manager was given a copy.**
- An Operational Plan to be used each year will be prepared, approved by the K-REDI Board of Directors and quarterly updates will be sent to the City. The draft Operational Plan will be introduced at the January Board meeting, with the official plan being adopted at the February annual meeting. **Plan was adopted at the March Board meeting.**
- The annual evaluation of the Director will take place by the Board of Directors at the November board meeting. All evaluations will then be compiled and discussed with the Director during the month of December. The following year's contract will be based on the evaluation and will need to be in place by December 31st.
- Complete an Annual Report which will be released at the annual meeting. **All Board members were given one at the February Board Meeting.**

Committees:

- The Membership Committee exists to educate the Kirksville community about the K-REDI organization and mission; and then enlist the support of businesses and individuals in accomplishing that mission. The work of the membership committee is ongoing.
 - Increase membership by 10 new members. **Our membership drive concluded in January and we added 25 new members!**
 - Increase the partnership amount from Adair County.
 - Brainstorm how to attract alumni friends to the organization.
 - Implement the benefit structure for members. **This is ongoing but several benefits have already been completed.**
 - Develop a membership retention program.
 - Develop an in-kind policy.
- The Business Retention and Expansion Committee exists to work with current industries and businesses on their projects and needs as requested and needed.
 - Explore ways to show appreciation to local companies' corporate headquarters. **Held a luncheon with Hollister corporate people when in town.**
 - Continue to work on the education and industry partnership. **First semester will conclude this month.**

- Explore ways to educate the current workforce with Industrial Maintenance skills. **Have a completed survey with the results being tallied.**
 - Survey targeted businesses on their needs.
 - Continue at least 2 Appreciation Events each year. **Have purchased and distributed tickets for Spring Fever and NEMO Fair.**
- The Website and Marketing Committee exists to keep the website updated and relevant to the targeted audiences, and in assisting with marketing pieces for print materials.
 - Develop a plan to keep the website updated. **Meeting monthly to keep updated and brought another person on the committee with expertise.**
 - Link the website to at least 15 other applicable sites.
 - Use videos more on the website.
 - Grow the Facebook and Twitter presence of K-REDI. **Currently are making posts on a regular basis and presence is growing on them plus our blog.**
 - Develop a brochure and magazine ad using the new logo and Kirksville information. Continue using marketing person to develop these items and add in graphic designing to the budget.
- The Healthcare Committee exists to assist one of our main pillars in initiatives deemed important to create a healthier community and workforce, and to ensure that the healthcare industry continues to thrive in Kirksville.
 - Market to students in a more direct fashion—Truman, MACC, and ATSU
 - Geriatrics—the Chamber of Commerce has an Economic Development Committee and one of the sub-committees is making Kirksville a Retirement Destination. Work more with them about the healthcare aspects available.
 - Targeted Marketing to other groups in Kirksville.
 - Develop a regional approach about healthcare available in Kirksville
 - Hold quarterly meetings with local doctors to keep updated on ACA and legislative issues.

Business Attraction Efforts:

- Expand the Industrial Park through the acquisition of additional land in the vicinity of the current park.
- Explore the costs of a spec building using information from the 2012 Annual Report on general building needs.
- Determine if a rail spur is an option or not.
- Reach the halfway point for the Work Ready Community initiative through the Department of Workforce Development. **Currently we have 5 employers signed up, we are half way on tests taken for dislocated workers.**
- Grow our contact list of business people in St. Louis and Kansas City in the \$25M-\$200M profit range. Delineate those who might be expanding with new product lines verses current ones.
- Continue to attend and work with the Community Venture Network (CVN) and attend as many meetings as possible each year (up to three). **Attended the April meeting.**

- Explore funding mechanisms to assist with location—such as revolving loan funds, angel investment groups, etc.
- Attend the Site Selector event at the Lake each June.
- Go on at least 3 marketing trips with the Missouri Partnership each year. **Have gone to Chicago and Los Angeles.**

Current Industry Efforts:

- Keep a list of targeted businesses and make quarterly contact with them. **Checked in with every company in March.**
- Have a quarterly newsletter for industries. **Sent the Q1 out in March.**
- When corporate people come to Kirksville, try to schedule meetings with them. **Hollister**
- Help recognize milestones for local industries. **Made a press release recognizing Wire Co. World Group's milestone of no loss time due to injury in seven years.**
- Continue encouraging individuals to contact me with potential leads. **Have had 2 local people do so this year.**
- Hold a legislative event each fall to determine needs of industries, and stay up to date on potential legislation affecting them.
- Attend NMDP and MEDC meetings to stay current on issues pertaining to economic development. **Attend monthly meetings of NDMP, and one MEDC training this year. Helping organize the Annual Meeting/Economic Development Summit for NMDP on June 21st.**

Targeted Areas:

- Current pillars of Agriculture, Healthcare and Education.
- Server farms
- Dental

Performance Measures:

- Be able to respond to more than 22% of partnership leads. **Have responded to 5 out of 10 (50%) so far this year.**
- Be able to respond to more than 21% of CVN leads. **Making great connections with two of the eight (25%) leads from April meeting.**
- Promote a healthy job market and substantial job growth through job creation and capital investment. **Hartzell Hardwoods began filling 15 positions in March, and their new building is complete (\$6 million expansion).**

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Business Incubator at the Economic Development Alliance

STUDY SESSION MEETING DATE: May 6, 2013

CITY DEPARTMENT: Economic Development

PREPARED BY: Melanie Smith, Assistant City Manager

The Chamber of Commerce has an Economic Development Committee that picks various projects to research and develop each year to compliment the work done by the City, K-REDI and MREIC/SBTDC. This committee has been researching the concept of developing a small business incubator here in Kirksville.

Business Incubators can work in a variety of ways from providing business planning assistance to offering physical office space for a new business. The most successful incubators have offered both ends of the spectrum. The committee has been researching various options and feel like the space in the basement of the Economic Development Alliance (EDA) would be an ideal location for a small incubator. The Chamber, MREIC and K-REDI have all been approached in the last year by businesses that are looking for a small amount of work space at an affordable cost that will help them get their business up and running. The location in the basement of the EDA would be an ideal location because clients would have easy access to the resources that MREIC and SBTDC offer small business. The EDA also has conference rooms available for client meetings that could be used by the Incubator clients.

There are a few changes that would need to be made to the building before it could accept clients/tenants. The first would be addition of cubicle space in the basement. We would like to consider 6-8 cubicles initially that could be expanded, if needed in the future. The cost of cubicle partitions would be approximately \$15,000. The wireless internet capacity would also need to be extended to that area of the building and the estimate for that work is \$1,200.

Clients would rent a work space for monthly fee on a month to month lease with the hope that they would be growing their business and move to an independent facility within few years. The typical timeframe for moving out of the incubator would be 3-5 years. The rental fee would include wireless internet access and a dedicated work space. It may also include a set amount of printing/copying that may be done at a local print shop. The leases would be managed by the administrative assistant for the EDA.

We believe that the overall start-up costs would be \$20,000 or less and are currently looking for funding to get the program started. The USDA offers Rural Business Opportunity Grants (RBOG) that may be able to cover these costs. USDA does not currently have funding for this program but may again in the next fiscal year. MREIC is putting together an application for RBOG funding so that it will be ready if funding becomes available.

The Incubator could eventually be expanded to include commercial kitchen facilities, manufacturing space or laboratory space depending on demand in the future. Rental

fees have not been established but would probably be \$100 or less per month and may be on a sliding scale during the time in the incubator. The Incubator would also offer an Internet Café area that would provide access for High Speed Internet and a table and chair for a daily or monthly fee. The rental fees would be paid to MREIC or K-REDI so that the funds could go toward expansion of the facility and/or services.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE KIRKSVILLE CITY CODE BY ADDING A NEW CHAPTER ENTITLED HUMAN RELATIONS, TO INCLUDE THE HUMAN RIGHTS COMMISSION, FAIR HOUSING CODE AND PUBLIC ACCOMMODATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI.

Section 1. That Sections 13-18 and 13-19 Fair Housing of the Code of Ordinances of the City of Kirksville, Missouri, be moved to the new Chapter 10 – HUMAN RELATIONS, and renumbered as follows: Article III. Sec. 10-59 and Article V. Sec. 10-90.

Section 2. That a new Chapter, entitled HUMAN RELATIONS is established to be numbered as 10, to read as follows:

ARTICLE I. IN GENERAL

ARTICLE II. HUMAN RIGHTS COMMISSION

Sec. 10-31 Created; composition; appointment, qualification of members.

A Human Rights Commission “Commission” is hereby created and established which shall consist of nine (9) persons. The Commission members shall be residents of the City of Kirksville. Members, to the extent possible, broadly representative of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation. The Commission shall be appointed by the City Council based upon their interest, and an expressed commitment. Commission members shall serve without compensation.

Sec. 10-32. Purpose.

The Commission shall review and advise the council on ways to:

- (a) Promote community awareness and education on the value of diversity to the community.
- (b) Work to eliminate discrimination based on of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (c) Develop tools necessary to establish the Commission as an active servant and leader that is a transparent service to the community, including periodic review of this enabling ordinance.
- (d) Promote responsiveness of government to concerns of all minority groups and others in the community that may be subject to bias or discrimination.
- (e) Encourage the creation of community programs and activities that are available and accessible to all Kirksville residents.
- (f) Provide an open and inviting forum for Kirksville residents who believe they are facing discriminatory practices or acts so that residents can share those experiences with the Commission for advice and counsel.

Sec. 10-33. Terms of members; removal; vacancies.

In the original appointment of members to the Commission one-third (1/3) of those appointed shall be appointed for a term of one (1) year; one-third (1/3) of those appointed shall be appointed for a term of two (2) years and one-third (1/3) of those appointed shall be appointed for a term of three (3) years; and thereafter all appointments shall be for a three (3) year term. The council may remove any member of the Commission at any time without cause.

A member’s absence may be excused by the Chair or the Vice-Chair in the absence of the Chair upon request provided such request is made prior to the meeting. Any member who is absent, without being excused from three (3) consecutive meetings or 25% of the regular meetings within a calendar year shall be considered to have resigned. Such resignation shall be presented in writing as a recommendation to the City Council by the Chair through the City Clerk.

Each member of the Commission shall serve until a successor is duly qualified and appointed. In the event of the death, resignation, or removal of any member, a successor shall be appointed to serve the unexpired term for which such member had been appointed.

Sec. 10-34. Organization.

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson who shall be elected by the members of the commission. Such officers shall serve in their respective offices for a term of one year, or until their successors shall be elected, unless re-elected to such office.

Sec. 10-35. Rules of procedure; meetings; records.

- (a) The Commission shall make such rules and regulations as it deems necessary for the conduct of its affairs. Such rules and any subsequent amendments shall be filed with the City Clerk and subject to Council approval.
- (b) The Commission shall meet monthly at a fixed time, place and day of the week. Special meetings may be called by the Chairperson. Notice of all meetings shall be posted in accordance with State law.
- (c) All meetings shall essentially be conducted in conformity with Robert's Rules of Order.
- (d) The Commission shall keep a complete record of its activities and a journal of all of its meetings and proceedings.

Sec. 10-36. Powers and duties generally.

The Commission shall have the powers and duties to:

- (a) Formulate and conduct educational programs designed to minimize or eliminate discriminatory acts.
- (b) Provide a forum for individuals who believe they have been victims of discrimination.
- (c) Gather and maintain a list of referral agencies and organizations best capable of providing assistance for the purpose of aggressively obtaining a resolution of the issue.
- (d) Cooperate with other organizations and private and public educational institutions to seek ways to eliminate discrimination.
- (e) Advise the City Council on human rights issues.
- (f) Hold forums on the state of human rights and relations in the city and on general human rights issues.
- (g) Recommend that staff create new process(es) for placing matters of concern or service requests before the Commission and other areas of city government, which shall be periodically evaluated for effectiveness.
- (h) Accept comments and concerns of citizens given at Commission meetings.
- (i) Sponsor or initiate focused workshops and ongoing programs to improve human relations and foster understanding and acceptance of each other.
- (j) To present, upon request, informational programs and literature on human rights to schools, businesses, and other organizations.
- (k) To conduct an annual human rights symposium on such issues facing the community and society at large.
- (l) To develop a strategic plan for accomplishing the goals and responsibilities outlined in this ordinance, to be re-evaluated every three (3) years.
- (m) To prepare and publish a written annual report describing the activities of the prior twelve (12) months by December 31 of each year.
- (n) To recommend the creation, expansion and/or focus on specific Kirksville Police programs and joint programs administered by the Kirksville Police and specified community members.

Sec. 10-37. Administration and Assistance by the city attorney.

The City, through the office of the City Manager, shall assign to the Commission such office space and facilities and such necessary clerical help as shall be necessary for the fulfillment of its duties. The city attorney shall render such legal services as shall be necessary.

Sec. 10-38. Definitions.

- (a) Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context otherwise indicates:

Aggrieved person. Includes any person who is attempting to provide housing for himself/herself and/or his/her family in the city.

Chairman shall mean the chairman of the commission.

Code shall mean this article.

Commission shall mean the Human Rights Commission of the City of Kirksville, Missouri.

Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. However, a person may be considered to have a disability if that person:

- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
- (2) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
- (3) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Discriminate. Means distinctions in treatment because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of any person.

Discriminatory housing practice shall mean an act that is unlawful under section 10-59.

Dwelling shall mean any building, structure, or portion thereof located within the city, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Family includes a single individual.

Gender identity shall mean the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

Handicap means a physical or mental impairment resulting in a disability unrelated to a person's ability to acquire, rent or maintain property.

Person. Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

Sexual orientation shall mean an individual's real or perceived heterosexuality, homosexuality or bisexuality.

ARTICLE III. FAIR HOUSING CODE

Sec. 10-59 and 90.

That Sections 13-18 and 13-19 Fair Housing of the Code of Ordinances of the City of Kirksville, Missouri, be moved to the new Chapter 10 – HUMAN RELATIONS, and renumbered as follows: Article III. Sec. 10-59 and 10-90.

Sec. 10-59. - Fair housing.

The city council hereby declares it to be the public policy of the city to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation. This article shall be deemed an exercise of the police powers of the city for protection of the public welfare, prosperity, health and peace of the citizens of Kirksville.

(1) *Discriminatory practices.* It shall be a discriminatory practice and a violation of this article for any person to:

a. Refuse to sell or rent after the making of the bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of ancestry, color, disability,

economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of any person.

b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.

c. Make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation or an intention to make any such preference, limitation, or discrimination.

d. Represent to any person because of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

e. For profit, to induce or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.

f. Bars discrimination in the sale or rental of dwellings on the basis of a handicap, and requires the design and construction of new multifamily with four (4) or more units to meet certain federal adaptability and accessibility requirements.

g. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g., section 202 Housing.

(2) *Discrimination in the financing of a house.* It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against a person in the fixing of the amount or conditions of such loan, because of the ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation of such person or of any person associated with such person in connection with such financing.

(3) *Exemptions.* The provisions of this article, and particularly [section 10-90](#) hereof, shall not apply to the following:

a. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of the family reside in such a dwelling unit.

b. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner, if the owner or members of the family reside therein.

c. Any single-family house sold or rented by an owner, provided that such house is sold or rented:

1. Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwellings; and

2. Without the publication, posting or mailing of any advertisement in violation of [10-59\(1\)\(c\)](#) of this article; provided, however, that nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title, and that any such private individual owner does not own any interest in, nor is there owned or reserved on the person's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one (1) time.

d. For the purposes of [section 10-59\(3\)c.](#) a person shall be in the business of selling or renting dwellings if:

1. The person has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

2. The person has, within the preceding twelve (12) months, participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
3. The person is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

ARTICLE IV. PUBLIC ACCOMMODATIONS

Sec. 10-70. Discrimination in Public Accommodations Prohibited.

- (a) All persons within the City of Kirksville are free and equal and shall be entitled to the following equal use and enjoyment within the City at any place of public accommodation without discrimination or segregation on account of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (b) It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation as defined in § 213.010, R.S.Mo., or segregate or discriminate against any such person and the use thereof on the grounds of ancestry, color, disability, economic status, gender, gender identity, marital status, national origin, race, religion and sexual orientation.
- (c) The provisions of this Section shall not apply to a private club, place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in § 213.010, R.S.Mo.

ARTICLE V. ADMINISTRATION

10.80. Administration.

- a. There is hereby created a compliance officer who shall be appointed by the city manager of the city.
- b. Every complaint of a violation of this article shall be referred to the compliance officer. The compliance officer shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at the time. If the compliance officer, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the fair housing officer finds that there is merit in the complaint, in their opinion, then and in that event, the fair housing officer will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the compliance officer is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the compliance officer shall forward said complaint to the human rights commission for handling. The human rights commission shall consist of all the members of the human rights commission.
- d. If the commission is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the human rights commission shall forward said complaint to the city attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the city attorney.

ARTICLE VI. ENFORCEMENT

Sec. 10-90. - Enforcement.

- (a) Any person convicted of a violation of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the city jail for not more than ninety (90) days, or by both such fine and imprisonment.
- (b) The city attorney, instead of filing a complaint in municipal court of said city, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate circuit court of the State of Missouri.

Section 3. This ordinance shall become effective upon its passage.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately re-numbered to conform to the uniform numbering system of the Code.

Passed by the City Council and signed by the Mayor of this _____ day of _____, 2013.

Richard L. Detweiler, Mayor

ATTEST:

Vickie Brumbaugh, City Clerk

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Results-Based Wellness Incentives

STUDY SESSION MEETING DATE: May 2, 2013

CITY DEPARTMENT: Administration

PREPARED BY: Pat Meredith

In 2008, began offering biometric screenings to all employees and covered spouse in an effort to reduce medical claims liability and improve the health status of City employees. This program was strengthened in 2012 to further encourage employees to take a greater personal responsibility for taking care of themselves in the face of growing obesity, poor nutrition, sedentary lifestyles, and chronic disease and reward healthy behavior.

City employees who meet established benchmarks (*Blood Pressure, Glucose, Triglycerides, LDL Cholesterol, and Tobacco use*) receive a premium reduction. Interactive Health Solutions (IHS) has a proven program that is HIPAA compliant.

Current HIPAA guidelines allow premium incentives limited to 20% of premium. This represents an additional cost to employees who do not meet their Health Index Goal or chose not to participate in the amount of \$88.56 per month or \$1,062.72 per year in addition to dependent premium costs (*if applicable*).

Beginning in January 2014, HIPAA guidelines will allow employers to increase the premium incentive to 30%. We are not required to increase the premium differential. If the City Council elects to increase the premium differential premium rates (*which are likely to go up in January 2014*) would increase to \$132.85 per month or \$1,594.24 per year based on 2013 premium rates.

In January 2013, 118 employees out of 145 covered employees and special appointees participated in the Biometric Screening. Approximately, twenty-seven employees chose not to participate. Thirty-four employees/special appointees were non compliant. Participating employees may work with their personal physician to improve their benchmarks and/or participate in a free HealthFocus counseling program provided by Interactive Health Solutions. In addition, participating employees are eligible for a free re-check in July to see if their numbers are improving.

HIPAA may allow a 50% premium differential for Tobacco Users beginning in January 2014. Compliance would be much more difficult to enforce. A Cotinine test could be included with the biometric screening (A Cotinine test would not prevent employees from quitting for a short time and then starting up again after they passed their screening.). If City Council would like to pursue this premium differential (*and if approved by HIPAA*) staff would recommend that we notify employees as soon as possible and offer smoking cessation classes to tobacco users.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Other Post Employment Benefits (OPEB) Valuation Report

STUDY SESSION MEETING DATE: May 6, 2013

CITY DEPARTMENT: Finance

PREPARED BY: Katie Myers, Finance Director

GASB Statement No. 45 requires employers to perform periodic actuarial valuations to determine annual accounting costs and to keep a running tally of the extent to which these amounts are over or underfunded. This statement applies to any benefit that is provided after retirement except for pension benefits. The City provides medical and dental insurance until the individual becomes eligible for medicare. The valuation is currently required to take place every three years.

The City sent out a Request for Proposal (RFP) last fall and Milliman, Inc was awarded the contract. Milliman has submitted an Other Post-Employment Benefits (OPEB) report dated April 16, 2013. The following is an excerpt from the report:

Actuarial Accrued Liability	\$548,400
Assets	0
Unfunded Actuarial Accrued Liability	548,400
Amortization Period	30
Past Service Cost	\$29,700
Normal Cost	41,000
Interest	0
ARC for FY 2012	70,700

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The Annual Required Contribution (ARC) for the retiree medical insurance program consists of two pieces: A Normal Cost (the cost of benefits earned each year should be accrued in that year) plus an Amortization of Unfunded AAL (a catch-up accrual to amortize the Unfunded Actuarial Accrued Liability).

The following information is required to be disclosed in the City's 2012 Comprehensive Annual Financial Report (CAFR):

Schedule of Funding Process

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (b)	Unfunded Actuarial Accrued Liability (UAAL) (b - a)	Funded Ratio (a / b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll ((b - a) / c)
1/1/2010	\$0	\$436,993	\$436,993	0.00%	\$4,917,247	8.9%
12/31/2012	\$0	\$548,400	\$548,400	0.00%	\$5,068,633	10.8%

Schedule of Employer Contributions

Fiscal Year Ending December 31,	Annual Required Contribution	Interest on Net OPEB Obligation	Adjustment to the ARC	Net OPEB Cost	Actual Contribution	Net OPEB Obligation
2010	\$70,890	\$0	\$0	\$70,890	\$6,833	\$64,057
2011	\$70,890	\$0	\$0	\$70,890	\$8,758	\$126,189
2012	\$70,700	\$4,700	\$6,800	\$68,600	\$26,400	\$168,389

The actual contribution for 2012 was the estimated net retiree claims calculated by Milliman. The above Net OPEB obligation of \$168,389 is an accumulation of unfunded ARC. This is a long term liability that will be reflected in the 2012 CAFR on the Statement of Net Assets.