

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager
SESSION DATE: January 6, 2014
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- REVIEW DRAFT PSEUDOEPHEDRINE ORDINANCE
- PUBLIC WORKS DIRECTOR REPORT
- 2014 STUDY SESSION TOPICS
- REVIEW CITY COUNCIL NEWSLETTER – January 3, 2014
- REVIEW CITY COUNCIL AGENDA

NOTE: When the Council left the December 16 Study Session there was discussion of having an ordinance on the Council Meeting Agenda for adoption. It has been Council Policy to review these types of ordinances in Study Session before they are placed on the Agenda. In addition, because of the nature of what is being considered, it will be important for the City Attorney to review the final draft.

REVIEW DRAFT PSEUDOEPHEDRINE ORDINANCE

At the December 16 Study Session the City Council was able to hear from individuals representing the business side of the pseudoephedrine issue. At the conclusion of this meeting, it was reported that the City Council wished to proceed with an ordinance. Included with this cover Memorandum is a draft ordinance prepared by Police Chief Jim Hughes based on ordinances from other Missouri communities.

The Council will need to walk through this Ordinance to understand its impact on our local community. Please note that the draft Ordinance allows the Police Chief some flexibility to ban other products if he determines they are an issue. This allowance will give the Chief the ability to respond to products that he believes are contributing to manufacture of methamphetamine. The Ordinance, if the Council wishes to move forward with it, could be readied for the February 3 City Council meeting.

One note to consider, has the Adair County Commission been asked to consider a county wide ordinance as opposed to the City of Kirksville being the sole focus. This ordinance would not prohibit other businesses outside the city limits from selling some of these products.

PUBLIC WORKS DIRECTOR REPORT

Alan Griffiths was hired as the Public Works Director in September. Three months after being with the City, Alan will visit with the City Council to give you his initial report of how things are going with the Public Works Department and explain he plans he has for the 2014 fiscal year.

2014 STUDY SESSION TOPICS

Included with this Memorandum is a list of the proposed study session topics and the dates they are slated for presentation to the City Council. If the Council wishes to change these dates or add items to the list, this would be an ideal time to do so.

REVIEW COUNCIL NEWSLETTER – January 3, 2014

REVIEW COUNCIL AGENDA

Attachments

- Pseudoephedrine Staff Report from Jim Hughes
- Draft Pseudoephedrine Ordinance
- Public Works Department Staff Report from Alan Griffiths
- Study Session List with Corresponding Dates

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Proposed draft ordinance requiring a prescription for purchase/sale of products containing Ephedrine/Pseudoephedrine

STUDY SESSION MEETING DATE: January 6, 2014

CITY DEPARTMENT: Police Department

PREPARED BY: Chief of Police Jim Hughes

In two previous study sessions, City Council has discussed a proposal from the Adair County Sheriff (Bob Hardwick) to restrict access to ephedrine/pseudoephedrine medications to prescription only.

At the last study session members of City Council ask that staff put together a proposed ordinance for further action/discussion in January.

Attached you will find the draft of that proposed ordinance.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING OFFENSES AGAINST PUBLIC HEALTH AND SAFETY.

WHEREAS, methamphetamine use/abuse is a significant problem in Missouri, as well as Kirksville and Adair County, with long ranging impacts to health and safety beyond the mere use of this powerful illegal drug; and

WHEREAS, no effective statewide initiative has yet been developed; and

WHEREAS, ephedrine/pseudoephedrine are essential chemicals in the production of methamphetamine; and

WHEREAS, ephedrine/pseudoephedrine are currently sold in over the counter medications; and

WHEREAS, the regulation of the sale of ephedrine/pseudoephedrine products, and methamphetamine precursors, will help protect the citizens of Kirksville by reducing the activities as described; and

WHEREAS, the proposed changes are recommended to regulate the purchase (and subsequent abuse) of over the counter medications containing ephedrine/pseudoephedrine ingredients.

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

I. Modify Chapter 18, Article V, to add/create a new section 88, to be titled Regulating prescription purchases of methamphetamine precursor drugs.

(a) Definitions.

The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ephedrine – All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

Pseudoephedrine – All forms of pseudoephedrine, pseudoephedrine hydrochloride, and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

Methamphetamine Precursor Drug – Any drug or substance as described in RSMo 195.246 or 195.248.

Person – Any individual, corporation, partnership, trust, limited liability company, firm, association, or other entity.

Sell – To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

(b) It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine or any other methamphetamine precursor drugs except as set forth in the specific exceptions contained in this ordinance.

(1) Exceptions - The below shall be excepted from the provisions of Section 18-88

(b).

a. Any person purchasing or receiving medications containing ephedrine, pseudoephedrine or other methamphetamine precursor drugs from a retail pharmacy must first obtain a prescription from a physician or other healthcare professional licensed by the State of Missouri to write prescriptions. No retail pharmacy shall dispense, sell or provide these drugs without first having obtained a prescription from a physician or other healthcare professional licensed by the State of Missouri to write prescriptions.

b. Ephedrine, pseudoephedrine, or other methamphetamine precursor drugs may be distributed by a licensed physician, or other healthcare professional licensed by the State of Missouri to write prescriptions, within the physician's/healthcare professional's office, clinic, nursing home or other licensed healthcare facility.

c. The control on these drugs shall not prohibit individual healthcare practitioners, licensed for such authority by the State of Missouri, from issuing orders in their professional practices and licensed healthcare facilities.

d. This section regulating ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

e. Any compound, mixture, or preparation identified by the Federal Drug Administration (FDA) containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except any dietary supplements, herbs, or natural products, including concentrates or extracts, that are not otherwise prohibited by law and that contain naturally occurring ephedrine alkaloids in a matrix of organic material such that the substances do not exceed fifteen percent of the total weight of the dietary supplement, herb, or natural product.

f. Upon written exemption granted either in response to an application of a manufacturer or based on other information received by the Chief of Police and for so long as the written exemption is valid, any product containing any compound, mixture, or preparation of any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from the application of all or any part of sections 195.010 to 195.320 RSMo. because the product is proven to not be feasible for the conversion of the active ingredient into methamphetamine or its salts or precursors. A list of exempted products if any will be maintained in the office of the Chief of Police, a copy of which will be provided to the City Clerk. No exemption may be granted for any product containing ephedrine or

pseudoephedrine that also contains another Schedule V drug pursuant to Missouri law. For purposes of this subdivision, "proven" includes but is not limited to the fact that the compound, mixture, or preparation releases a de minimus amount of the active ingredient used for conversion into methamphetamine or its salts or precursors.

1. The Kirksville Police Department will review and coordinate with local law enforcement agencies with regard to the analysis of product feasibility for use in the manufacture of methamphetamine or its salts or precursors. The Kirksville Police Department is authorized to coordinate with such other state and/or federal agencies which they deem appropriate regarding such analysis. Upon notification from the Kirksville Chief of Police that there is probable cause to believe that a product exempted under this paragraph is feasible for the conversion of an active ingredient into methamphetamine or its salts or precursors, the City Council shall immediately revoke the exemption for the product on a temporary basis and thereafter consider further evidence in order to determine whether the exemption should be revoked permanently.

(c) Prima facie evidence. It shall be prima facie proof that a substance is regulated by this section if the substance is contained in its original packaging and is labeled as being ephedrine, pseudoephedrine or other methamphetamine precursor drugs.

(d) Reporting theft of methamphetamine precursor drugs.

(1) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall be reported to the police department within twenty-four (24) hours of discovery.

(2) Any person selling ephedrine, pseudoephedrine, or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the police department within twenty-four (24) hours of discovery.

(e) Injunctive relief. The city may seek injunctive relief against any person who is in violation of this section.

(f) If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the City Council hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

II. Effective Date

All of the modifications to this ordinance shall be effective May 1, 2014.

III. Incorporation into the City of Kirksville Code of Ordinances

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 hereto.

**PASSED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AND SIGNED BY
THE MAYOR THIS _____ DAY OF _____, 2014.**

Richard Detweiler, Mayor

ATTEST:

Vickie Brumbaugh
City Clerk

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Department Update

STUDY SESSION MEETING DATE: January 6, 2014

CITY DEPARTMENT: Public Works

PREPARED BY: Alan Griffiths

GENERAL / ADMINISTRATION:

The Public Works Department consists of 6 divisions with 50 personnel, and 2 personnel not included within these divisions. In general, I found the Public Works Department overall to be well organized and operating in an effective manner upon my arrival. The 6 divisions appear to be organized in a manner that works well for the City with little cross-over of functions, thus minimizing the duplication of services commonly found in large government operations. My main goal will be to maintain this current level of service while amending some aspects based upon my experience, and to seek operational changes to better serve the citizens with current resources.

Additional staff will be needed in the future as past development and infrastructure has been added and future development and infrastructure will be added. The need for additional staff will be evaluated after operational adjustments for efficiency have been made and funding sources identified; and the issue will then be addressed through the budget process.

ENGINEERING:

This division provides engineering services for capital and grant construction projects, oversees outside consultant engineering services and performs GIS and mapping services for the City. This past year has been difficult with only 4 personnel assigned to the division. The Assistant Public Works Director is the division supervisor and the position has been vacant, with no qualified applicants to date, since October 1, 2013; and with one personnel off-duty due to injury, having to operate with only 2 personnel has been extremely difficult. I have observed the need for a public works inspector position within this division; however, with current workloads, this need could be deferred with minor changes to existing operations and the return of the injured personnel.

My goals for this year will be to hire an Assistant Public Works Director; have the injured personnel resume work; and institute design and construction specifications and standards for use by all developers, consultant engineers and contractors.

STREET MAINTENANCE:

This division provides street and park grounds maintenance throughout the City, including snow removal. The division is stretched thin with current staffing levels during the winter with snow removal work and during the summer with asphalt

overlay work; however, my overall impression is that things still work reasonably well within the division.

My goals for this year will be to provide guidance and training to the “Sign and Paint” shop personnel regarding striping, marking and signage to eliminate unnecessary striping, marking and signage; to realign park grounds maintenance operations to another division; and to construct the College Park Storm Sewer Project.

UTILITY MAINTENANCE:

This division provides water and sewer maintenance and construction functions throughout the City, and assists with snow removal as needed. The division is stretched thin with current staffing levels; however, my overall impression is that things still work reasonably well within the division.

My goals for this year will be to begin installation of new and replacement sewer lines in residential areas; and to construct the South Outfall Sewer Interceptor Project.

FLEET MAINTENANCE:

This division provides equipment maintenance and repairs for City vehicles, construction and snow removal equipment and other equipment such as mowers and other motorized items. With the City’s policy regarding vehicle and equipment replacement, most of these assets are in good or fair condition and well maintained throughout their life at the City. I have seen a positive and aggressive maintenance policy within the division and a constant “eye” toward repair at the lowest possible cost that has led the division to perform innovative repairs saving the City hundreds of dollars; and with limited repair facilities elsewhere within the City coupled with the expertise and ability of personnel, costs are kept to a minimum and repairs are performed in a timely manner allowing the vehicles, especially emergency response vehicles, to be available above the 95% mark.

My goal for this year will be to realign park grounds maintenance operations to this division.

WATER TREATMENT:

This division provides all the drinking water for the City and other water agencies within Adair County; provides “state approved” laboratory testing work for other agencies within Northeast Missouri; and operates on a continuous 24/7 basis in compliance with MoDNR regulations. During my brief tenure at the City, I have seen a good operation by this division.

My goals for this year will be to encourage personnel to obtain higher level operators licenses than they currently hold and possibly obtaining their “A” licenses; and to construct the Water Treatment Plant Lift Station Project.

WASTEWATER TREATMENT:

This division provides for the cleaning of all wastewater (sewage) generated by the City before allowing the cleaned water to flow into Bear Creek; and provides

laboratory testing work in compliance with Missouri Department of Natural Resources regulations. While this division has been in transition during my brief tenure at the City, with the recent hiring of our new Wastewater Supervisor, this division has returned to a well operated facility.

My goals for this year will be to encourage personnel to obtain higher level operators licenses than they currently hold and possibly obtaining their "A" licenses; to begin personnel training for operating the new wastewater treatment plant; and to begin construction of the new wastewater treatment plant.

PROPOSED 2014 Study Session Topics

- Public Works Director's Report – 1/6
- Pseudoephedrine – 1/6
- No Study Session / Council Meeting – 1/20
- MPO Program Update – 2/3
- Comprehensive Plan – 2/3
- No Study Session/ Council Meeting – 2/17
- Tour of NEMO Health Council – Early Spring TBD
- Bad Debt Policy – 3/3
- Purchasing Policy Review – lease financing 3/3
- Annexation – 3/17
- Parking Tickets and Other Traffic Violations – 3/17
- Victory Gardens in on unused lots – 3/17
- Expanding Use of North Park – 4/7
- Downtown Facades – Guidelines and Awnings – 4/7
- Street Program Review – 4/7
- Report of Services from Public Works Supervisors – 4/21
- Dog Park Update – 4/21
- Report of Services from Emergency Personnel – 5/5
- E-911 Program and Partnership – 5/5
- Program Fees – 5/19
- Review Long Term Plans to Establish Priority Goals – 6/2
- Demolition Project Update – 6/2
- Airport Report – 8/4
- Vehicle Replacement Program – 8/4
- No Study Session / Council Meeting – 9/1
- Planning Meeting – 9/15
- Central Garage Evaluation – 9/15
- Wastewater Plant Update – 10/6
- Meeting with MoDOT District Engineer - **completed**
- Utility Rate Review – 11/3
- Budget Review – 11/17