

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager  
**SESSION DATE:** July 7, 2014  
**TIME:** 4:30 pm  
**PLACE:** Second Floor Conference Room of City Hall

## **AGENDA:**

- **ECONOMIC DEVELOPMENT PARTNERS**
- **WWTP UPDATE**
- **HISTORIC PRESERVATION FUNDING PROGRAM**
- **PROPOSED ORDINANCE CHANGES**
- **REVIEW CITY COUNCIL AGENDA**
- **REVIEW NEWSLETTER – July 2**
- **COMMITTEE REPORTS**

## **ECONOMIC DEVELOPMENT PARTNERS**

On Monday, we have invited our economic development partners to attend the Study Session for the purpose of updating the Council on their progress. We expect representatives from K-REDI, MREIC and Tourism.

The Council should use this as an opportunity also ask about issues each organization is facing, ways the City can support their efforts, and ideas they have to make Kirksville as attractive as possible to business and visitors.

## **WWTP UPDATE**

The City's wastewater treatment plant operating permit expired in 2011 and we have been working with DNR and HDR our consultant to come up with a plan to insure compliance with new state and federal standards. In December 2012, the City Council met with representatives from HDR to review the completed Wastewater Treatment Plant Facility Plan. Based on that presentation the Council gave direction to HDR to proceed.

The plant improvements have three major segments: Headworks and flow control, biological treatment, and solids handling. The bar screen, which is part of the headworks was authorized by the Council to proceed this year after it failed meeting expected limits to handle 12 million gallons per day (MGD) to allow for future growth in the community. The plant improvements include a major change in solids (sludge) handling. The closed digesters would be converted from anaerobic process to open aerobic digesters.

Much of 2013 was spent on completing the facility design and working through requirements of the Department of Natural Resources. It was expected that we would

be through DNR's review by the end of 2013. For the past six months we have been waiting for decisions from DNR. On Monday the Council will be given an update on the progress that has been made with maintaining our existing plant, designing for our future improvements and permitting with DNR.

As a reminder, the City of Kirksville's wastewater treatment plant was constructed in 1976, and was last upgraded in 1986. The plant utilizes Rotating Biological Contactors supplemented with a pack tower for secondary treatment. The plant was originally designed to treat 5 MGD, but was de-rated by the Missouri Department of Natural Resources to its current permitted treatment capacity of 3.16 MGD. The Plant currently has a second, wet-weather outfall which is not permitted under Department of Natural Resources rules. In order to permit future residential and industrial growth in Kirksville, the treatment facility's capacity must be increased.

### **HISTORIC PRESERVATION FUNDING PROGRAM**

In 2008, the City took a significant step toward emphasizing the importance of historic preservation by first assembling a group of individuals interested in preservation followed by the creation of the Historic Preservation Commission and Ordinance.

The Commission has been in place since 2009 and has as its purpose the responsibility of promoting the educational, cultural, economic, and general welfare of the community by:

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

The Commission has been working on its mission but is in need of additional support from the City Council. In order to do some of the things required of them, resources are needed. Staff has identified a way to potentially raise funds to assist with the preservation of some of these structures and would like to discuss with the City Council.

To date there are approximately 14 buildings, places, locations within the city limits that have been identified and nine (9) of those are on the National Register of Historic Places. Most recently the State of Missouri added the Sojourners Building, 211 S. Elson and the Laughlin House, 706 Halliburton.

## **PROPOSED ORDINANCE CHANGES**

One of the things that we need to do periodically is review our codes of ordinances. Our review is completed by code section. The Codes and Planning Department has been reviewing a number of the Codes that their office is responsible for enforcing and administering. We would like to discuss several ordinance changes with the Council and have broken them into two sections. The first section are those code changes that do not require a public hearing in order for the Council to make changes and the second group are those that do require a public hearing before the City Council can consider the changes.

### Group 1 consists of the following areas:

1. Contractor Testing Exemptions
2. Failure to Renew Contractor Licenses and Testing Deadlines
3. Size of Address Numbers
4. Use of Right of Way
  - (a) Maintenance of Mailboxes located on city streets and curbs
  - (b) Right-of-Way Obstructions
5. Definition of Rubbish
6. Debris on City Streets

### Group 2 consists of the following areas:

1. Sea Container Restrictions
2. Sidewalk Construction in New Subdivisions
3. Fire & Explosive Hazards
4. C-P Zoning Districts
5. Secondary Driveway Entrances
6. Board of Adjustment Parking Variances
7. Corridor Zone Amendment
8. Used Auto Dealership Parking
9. Cul-de-sac Maintenance
10. Subdivision Monuments

## **REVIEW COUNCIL AGENDA**

### **REVIEW COUNCIL NEWSLETTER – July 2, 2014**

COMMITTEE REPORTS - Commission Meetings held from June 18 to July 3 include the following:

ATC  
LPRC – cancelled  
Friends of Forest-Llewellyn  
Historic Preservation  
South 63 CID

### Attachments

Economic Development Staff Report  
WWTP Staff Report  
Historic Preservation Staff Report  
Ordinance Change Staff Reports

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Economic Development Update

**STUDY SESSION MEETING DATE:** July 17, 2014

**CITY DEPARTMENT:** Economic Development

**PREPARED BY:** Mari E. Macomber, City Manager

The City Council supports Economic Development through a variety of approaches each year. The key players in the Kirksville area are 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. Employees from each of these organizations meet 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 began in 2007 after the City Council asked the citizens and the citizens agreed to support a 3.6% lodging tax for all hotel/motel and lodging establishments in Kirksville to establish a Tourism office that works to attract visitors to Kirksville for events, conferences, tours, hunting and much more. The City contracts with the Chamber of Commerce for this service. 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 to provide the council with an update of current projects and programs.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Wastewater Treatment Plant Update

**STUDY SESSION MEETING DATE:** July 7, 2014

**CITY DEPARTMENT:** Public Works

**PREPARED BY:** Alan Griffiths

Public Works Department staff has been involved in seminars and meetings over the past several months regarding the new Wastewater Treatment Plant (WWTP). This report is a brief update on the status of WWTP project.

Staff recently attended a seminar regarding future regulations for WWTPs that are being considered by the Federal Environmental Protection Agency (EPA) and the State of Missouri Department of Natural Resources (DNR). These future regulations are not 'set in stone' at this time; however, to be good stewards of City facilities, staff must be aware of and planning for them. Some of the requirements include reductions in the ammonia levels and total nutrient removals. To add to the difficulty of these potential regulations is that the technology to meet these requirements does not yet exist. Another component of potential EPA regulations will be how storm water management (rain water) ties in to their overall plan, and how the City could be affected.

Staff has recently made improvements to the existing WWTP facility that has enhanced its performance. This is an effort to keep the plant operating efficiently and effectively to comply, to the best of our ability, with current EPA and DNR requirements. With the age of the existing plant, it becomes increasingly more difficult to comply with new requirements or regulations without major upgrades.

The new WWTP has been designed to incorporate the new technologies and requirements that could be imposed by the EPA in the near future. There were three phases included in the overall project, with the WWTP being phase one. Phase two is to include increased disinfection when the EPA requirements become enacted. Phase three is to include enhanced nutrient removal when the EPA requirements are enacted. The design consultant has incorporated 'plug and play' items in the new WWTP that will allow for addition of these phases in the future. While the costs will need to be planned for and the construction scheduled, the new WWTP would not need to be shut down to add these items. Rather, addition would be accomplished by adding the new or expanded facilities and connecting to the existing 'stub-outs' for both mechanical and electrical systems.

Staff recently met with DNR and the design consultant to discuss the status of the new WWTP. At this time, the new schedule discussed with DNR is for them to complete their Plan, Specification and Engineering review in September; advertise for construction bids in October; open bids in November; award the construction contract by City Council in December; and be ready to break ground in April 2015.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Historic Preservation Funding Program

**STUDY SESSION MEETING DATE:** July 7, 2014

**CITY DEPARTMENT:** Codes & Planning Department

**PREPARED BY:** Brad Selby

This proposal is looking for a way to provide some money for the restoration of historic properties. Statewide, Certified Local Governments (CLG's), like ours, have the same problem that we do. It is difficult for us to get landlords to nominate their own properties for inclusion as a Historic Landmark because there are so few funds available to assist in renovating a historic property. Most grants are for education of the public, or for surveys of communities and cities, not to pay for bricks and mortar improvements.

I would like to ask the council to consider some kind of incentive to help get people to nominate their properties. The availability of some money to assist in the restoration of the exterior features of a Historic Landmark would help this situation.

One idea would be to raise the fee for the demolition of structures. Currently, the fee to demolish a house is \$32.50. The fee to demolish a shed or detached garage is \$25. Commercial buildings are charged \$4.25 per thousand \$'s of the cost of the demolition. If these fees could be raised to \$50 and \$40 respectively for a house and garage and to \$4.75 for a commercial building, this additional revenue could be put into a fund that could be applied for by only those people who have a Historic Landmark or are part of an Historic District as part of our CLG. At this time, there are only 5 Historic Landmark properties and no districts. Rules and procedures for applying for the money and determining how much could be given out would have to be worked out. The idea would be to help assist with restoration or repair of the exterior features.

Another idea would be to increase the Codes Department fee for a remodeling permit from \$3.25 per M for remodeling to \$3.75 per M. For a remodeling project of \$20,000, the fee would go from \$65 to \$75. For these changes above, with an increase in demolition fees and remodeling fees, in 2013 this would have provided approximately \$1,323. In 2012, this would have been \$4,088.

Another idea would be to eliminate the remodeling permit fee for a property that is a Historic Landmark or is part of a Historic District and is going to be remodeled. Another option would be to consider changing our current housing rehab and demolition program to include the restoration of structures that are Historic Landmarks in the city. This fund has historically had about \$25,000 per year available. This money would be available as a low interest loan.

I would ask council to consider these options to see if some moneys could be generated for this historic and worthwhile purpose.

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

**SUBJECT:** Ordinance Amendments #1

**STUDY SESSION MEETING DATE:** July 7, 2014

**CITY DEPARTMENT:** Codes & Planning Department

**PREPARED BY:** Brad Selby

The ordinance amendments below are needed to improve their respective areas and to fix several problems. These amendments do not require a public hearing. They are:

1. Contractor Testing Exemptions
2. Failure to Renew Contractor Licenses and Testing Deadlines
3. Size of Address Numbers
4. (a) Maintenance of Mailboxes located on city streets and curbs  
(b) Right-of-Way Obstructions
5. Definition of Rubbish
6. Debris on City Streets

**1. Contractor Testing Exemptions** – The Contractor Testing currently in place works well for anyone newly starting out as a business. Companies that come to Kirksville that are well-established and have credentials and training for their employees should not have to take the Contractors test. At this time, our ordinance does not allow this exemption. I asked for more flexibility for these situations when the ordinance was approved, but it was not allowed at that time. The Codes & Planning Director should have the flexibility to exempt companies that we can determine are legitimately in business in another area in which we feel we can reciprocate their business license. This exemption from testing should include successful testing from other states and from the Block Testing programs that are used across the United States. Many companies provide us this evidence but currently it cannot be accepted. We need this flexibility. A new paragraph would be added to Sec. 14-33 (f) (4):

- “c. The Codes & Planning Director or his designee may exempt from the testing any company applying for a contractor license that can provide evidence of:
1. Current licensing in other cities with a population of 5,000 or more, or a county business license.
  2. Certificates from other states showing that contractor testing has been passed and is still current.
  3. Certificates from the Block Testing program showing the passing of contractor tests.
  4. Certificate showing that testing was taken and passed for rating of Master Electrician.
  5. Other documentation that the company is in business and competent to perform the work permitted by the license applied for.

Contractors vetted through the City of Kirksville's request for bid process shall be exempt from Contractor Testing requirements, but shall be required to maintain a City Business License for the duration of the contract. Any work done by these contractors for others in the City would require the testing to be completed unless qualifying for an exemption."

Also, the existing Section 14-33 (f) (4) a. should be amended to include the word "union" after the phrase "state or national".

**2. Failure to renew Contractor Licenses & Testing Deadlines**– Contractors who do not renew their business license prior to April 1 of each calendar year will lose all testing results from the previous business license year. The existing ordinance has been questioned by the City Attorney, that it may not be winnable in Court. I would propose a new Section 14-33 (f):

"(5) The failure of any Contractor to renew his contractor's license by April 1 requires the contractor to start the application for a brand new business license, which would include any required testing. To receive a Contractor, Electrician, or Plumber's license, the contractor has to pass their respective test(s), unless they qualify for an exemption to the testing which might be in effect at that time."

Also, some Contractors who fail their test and have to wait 2 weeks to take them again, sometimes, they never come back to retest. We would add a new Section 14-33 (f):

"(6) Contractors who fail to come in and take their required contractor tests within thirty (30) days after the application date will have their application denied, and the paperwork returned to the Finance Department. No refunds will be given for a denied application. Once the application is returned to the Finance Department, the application process must start over, including fees."

**3. Size of Address Numbers** – The International Property Maintenance Code in Sec. 304.3 has a requirement for the numbers for premises identification as a minimum height of 4 inches. We have used this number in the past and continue to use it for enforcement requirements. Two sections of existing municipal code need to be changed to correspond with this number. Municipal Code Sec. 21-74 concerning all addresses needs to change from "two and one-half (2 ½)" to "four (4)". Municipal Code Sec. 13-42 f. concerning manufactured homes needs to change from "(2 ½)" to "(4)".

**4. Amendments to Sec. 21-3. Obstruction of streets and sidewalks**  
(Current wording to be retained and then two paragraphs added, marked (a) and (b)):

**Mailbox Damage & Replacement** – The City has a policy regarding damage to mailboxes that occur during street clearing operations in the winter time. Some property owners have constructed brick mailboxes that are essentially structures right behind the curb in some subdivisions in the City. These mailboxes are highly susceptible to damage either from the weight of snow being pushed towards them, or from actual contact with a snow blade during clearing operations. The City Policy needs to be enacted as ordinance, so property owners will be aware of what compensation will be provided if damages of this type occur. The current policy is: "The City will inspect the

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

**(a) Maintenance of mailboxes located on city streets and curbs.** Citizens who erect custom mailboxes or who construct brick structures around mailboxes as an enclosure that are located in the city right-of-way along a street accept the responsibility for maintenance of the structure. Any damage done to a custom mailbox that is determined to be from a city vehicle striking the mailbox will be compensated at the rate of fifty dollars (\$50) to the property owner, with the property owner providing any needed repairs or replacement. Any standard mailbox mounted on a post that is determined to have been damaged by a city vehicle will have the mailbox replaced by city employees to meet minimum postal service requirements. Damage to mailboxes that occurs due to heavy, wet, or windrowed snow will not be compensated for by the City of Kirksville.”

If this ordinance is approved, codes employees will survey the city and write a letter to the owners of all custom mailboxes that can be located, to notify them of the new ordinance.

**Obstructions on Right-of-Way** – Occasionally there are obstructions placed in the right-of-way on city streets that could interfere with snow plowing operations and with access to public water and sewer lines. The mailboxes have been addressed as above. Other materials placed in these areas include large rocks, railroad ties, landscaping timbers, paving bricks, and etc. The City does not want the liability and the inconvenience of having to deal with these things in the right-of-way. This does not prevent the planting of shrubs and trees if they are done in accordance with the City’s Tree Ordinance Rules and Regulations, Sec. 13.5-21 to 13.5-45. Trees and shrubs and the use of mulch for root protection are allowed. Other things that people use to enhance the planting areas would be a violation of this proposed ordinance. They include: any type of timbers or wood to make “boxes” to surround the planting area, the use of paver bricks to make these types of “boxes”, the use of large rocks above the size of 3/4” gravel, and other types of landscaping stones or pottery. The ordinance would be:

**(b) Right-of-Way Obstructions** – No objects or materials other than trees, shrubs, mulch, or small gravel may be placed in the city’s right-of-ways. This includes railroad ties, boards, landscape timbers, pottery, barrel planters, rocks larger than ¾” size, landscaping bricks and stone, and like items. These items interfere with the city’s use of the area when required for utility work and road clearing operations.

**5. Definition of Rubbish** – The definition of rubbish, as defined in the 2009 International Property Maintenance Code does not include all items that we consider rubbish. We would like to delete the current definition of Rubbish in the 2009 International Property Maintenance Code and replace it with the following. This would be listed in our local Code of Ordinances, Chapter 6, Article X, Sec. 6-162 Amendments (j) Section 202. (Delete the current definition of Rubbish and insert):

“Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, **automotive and other vehicle and mechanical parts, tires, bicycle parts, stripped down or non-working lawn mowers, construction materials when no building permit is in effect, boards**, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, **recycled materials not in approved recycling containers**, glass, crockery, dust, and other similar materials.”

(The added terms and materials above are shown in bold letters.)

**6. Debris on City Streets** – The term “debris” is hereby defined to include leaves and grass clippings from lawn mowers. Leaves are sometimes raked up in piles and left in the street gutters. Grass clippings are sometimes deposited on city streets in piles, mounds, or clumps. These can and do get washed down into the city’s storm drain sewers, and can plug or severely limit the water flow going through them. This can lead to localized flooding of streets and other property. This proposed ordinance would be an additional paragraph to Sec. 21-4. Depositing mud, dirt or debris on streets and sidewalks. The additional paragraph will be:

“(c) The term “debris” is hereby defined to include leaves and grass clippings from lawn mowers and other rotary mowers. These leaves and/or grass clippings may not be deposited in piles, mounds, or clumps upon any city street or in the curb and gutter area of a street. The discharge of a lawn mower onto the street area is discouraged but is not an ordinance violation as long as the grass being mowed is not of a heavy and overgrown grass area. Large amounts of grass discharged into the curb and gutter area, of an amount determined to be enough to plug city storm water inlets, will be prosecuted as an ordinance violation.”

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

**SUBJECT:** Ordinance Amendments #2

**STUDY SESSION MEETING DATE:** July 7, 2014

**CITY DEPARTMENT:** Codes & Planning Department

**PREPARED BY:** Brad Selby

The ordinance amendments below are needed to improve their respective areas and to fix several problems. These amendments require a public hearing before the Planning and Zoning Commission before going to the City Council for approval.

They are:

1. Sea Container Restrictions
2. Sidewalk Construction in New Subdivisions
3. Fire & Explosive Hazards
4. C-P Zoning Districts
5. Secondary Driveway Entrances
6. Board of Adjustment Parking Variances
7. Corridor Zone Amendment
8. Used Auto Dealership Parking
9. Cul-de-sac Maintenance
10. Subdivision Monuments

**1. Sea Container Restrictions** – At this time, our building ordinance allows the metal-box type sea going containers to be used as accessory buildings. We have a few of these in residential areas, and I feel they are an eye sore. They often have advertising like “Han-Jin” or “Lin-Ming” or a picture of a galloping camel on them. I believe these should be banned in any residential-zoned property as an accessory structure. We would allow them for up to 30 days for temporary uses. We recently had a resident who used one to store his goods on his property when his driveway and garage floor were being torn out and replaced. The Zoning Ordinance, Appendix A, Article VI, Sec. 25-50 (e) would be amended to include:

“No metal sea going container may be used as an accessory building in any residentially zoned property or on any property used only for residential use, unless for a temporary use of no longer than 30 days. For this temporary use, the owner or tenant must have a remodeling or other type permit from the City.”

The Zoning Ordinance, Appendix A, Article XIV, Sec. 25-81 (b) will have a new subset added:

“(7) For any commercial or industrial property, sea going containers may be used for a permanent building only in the rear of the main commercial structure, or may be located at the side of the structure if placed behind privacy fencing. The structures may be located in any commercial area for a temporary use for

storage of materials during a remodeling if the use is no longer than 60 days. For the temporary use of these buildings, the owner or tenant must have a remodeling or other type permit from the City.”

The Zoning Ordinance, Appendix A, Article I, Sec. 25-1 Definitions will be amended to include:

“*Sea Going Container*. Also known as Sea Container, Sea Cargo Container, or Sea Storage Container, this is a rectangular metal container primarily used on ocean-going ships that contain freight or goods and provides protection from the elements. Has a large door or doors at one end of the container. Many times has advertising on the sides with the company name of the original owner.”

**2. Sidewalk Construction in New Subdivisions** – Sidewalks are required to be installed in all new City Subdivisions. For the past 3 new Subdivisions, the Developer has asked for a delay in installing the sidewalks until after each house is built. Many times, the access for construction of a new house is through the front of the property only from a new or existing street. Concrete trucks and cranes can and often do damage any new sidewalk because the concrete is only required to be 4” thick. This delay in sidewalk construction has been approved by the Planning & Zoning Commission in the past and also by City Council, to be completed within one year after the Final Occupancy Permit has been approved for a new house. This is good, except that Subdivisions in Kirksville are built a house or two at a time. Sometimes, the Subdivisions in western states may have 200 houses in them and all the houses are built in one or two years. Our houses are built over the course of 10-30 years. It would not be uncommon to find open lots on a subdivision that are 20 years old and not yet developed. This leaves our subdivisions with an incomplete sidewalk system. This delay of sidewalk construction should be enacted into ordinance to help developers but should have a sunset time. If houses are not constructed by a certain date, the Developer will be required to complete all of the required sidewalks. A sidewalk constructed in front of an undeveloped lot could be poured at a 6” or 8” depth that could resist damage from heavy vehicles. I propose that an additional paragraph would be added to Chapter 22, Subdivision Regulations, Article III, Sec. 22-27:

“(d) Any required public sidewalk on each lot in new city subdivisions can be delayed for construction up to one year after the Final Occupancy Permit is issued for a completed house. However, all of the required public sidewalks in the Subdivision must be completed within 5 years from the date the City Council approved the Final Plat for the new Subdivision.”

**3. Fire & Explosive Hazards** – The current city ordinance concerning Fire and Explosive Hazards, Sec. 25-29, Article III of the Zoning Ordinances has a table that references flammable materials stored aboveground and underground, with temperatures for combustion and flammability, locations from lot lines, etc., that also references standard temperatures and pressures for these gases. The Codes Department does not have the background or knowledge to be able to determine answers to codes questions based on this technical information. The table and accompanying paragraph (c) of the section should be removed and the City of Kirksville will follow Missouri State Statutes for issues that pertain to this subject. Missouri officials have to inspect facilities of this type and have the expertise to know what

should be allowed or not. We propose to eliminate Paragraph (c) of this Section, which would include the table, leaving paragraphs (a) and (b) in place.

**4. C-P Zoning Districts** – Planned Commercial Zoning Districts (C-P) were removed from city ordinances with Ordinance No. 10349 in the late 1970's. Several references to this zoning district remain in the current zoning ordinance. These should be removed. I will propose an ordinance to remove any reference to C-P zoning districts, except for the Article XVIII section of the zoning code, which references the repeal of the C-P district:

“The reference to district C-P should be removed in the Zoning Ordinance at Sections 25-2 (d), 25-48 (a), and 25-85 (a).”

**5. Secondary Driveway Entrances** – Required parking and driveways for new construction, both commercial and residential, are required to be hard surfaced. Additional driveways or parking areas can be surfaced with rock, according to current parking ordinances. Our issue is that the gravel that spills out into the street is both a maintenance and safety concern. Loose rock on our streets is a concern for bicyclists, plus our street sweeper ends up picking up the loose rock. We would propose a new ordinance that would require just the approach for secondary drives to be of hard surface materials (concrete or asphalt) from the edge of the street to the property line (usually to the back side of the sidewalk). This would keep rock from coming out onto our city streets. The remainder of any secondary driveways and parking areas could continue to be surfaced with rock. Appendix A, Zoning Ordinance, Article IV, Sec. 25-31 (c) would be amended to:

“All **required** parking and driveway areas are ~~required~~ to be hard-surfaced with concrete or asphalt paving. **Any secondary drive onto the property must be hard-surfaced from the edge of the street to the property line. If the distance from the edge of the street to the property line is less than six (6) feet, a minimum of six (6) feet of the drive must be hard-surfaced, starting at the street edge.**”

**6. Board of Adjustment Parking Variance** – Historically, the Board of Adjustment has heard requests for variance for parking requirements for apartment complexes and for commercial developments. The Zoning Ordinances concerning the Board of Adjustment duties (Article II, Sec. 25-18 (b)) state that the board has the authority to permit variances on 9 different issues. It goes on to say that the variances “may be granted in the following instances only and in no others”. The determination of parking is a gray area that is not stated specifically, but has been determined to fit these requirements over the years. I believe the ordinance should be amended to specifically approve these appeals as they have frequently been a subject in the past. The Zoning Ordinance, Appendix A, Article II, Sec. 25-18 (b) would then be amended to include the paragraph:

“(10) To permit a reduction in the minimum parking spaces required for residential or commercial developments as required in Article IV Off-Street Parking and Loading, of the Zoning Ordinances.”

**7. Corridor Zone Amendment** – The listing of the current areas in the City of Kirksville that are zoned as High, Medium, and Low Density Corridor Zones does not list all of the areas currently zoned this way. Appendix A, Zoning Ordinance, Article XXIII, Sec. 25-116 should be amended to include a new paragraph:

“(6) North New Street and Rosewood Drive locations: All of that land enclosed within the triangle of Baltimore Street, North New Street, and Rosewood Drive is a combination of Low, Medium, and High Density Corridor Zone properties.”

**8. Used Auto Dealership Parking** – Several years ago, an effort was made to ensure that all dealerships selling automobiles were required to offer these vehicles while they were parked on hard surface parking areas. Some smaller dealerships in the past 5-6 years have not been required to do this. Some are parking vehicles on grass, some on rock, and some on hard surface. Some dealers have inquired why it was a requirement for some and not for others. This is not spelled out in city ordinance at this time as a requirement, though it was used as a requirement for development in Planned zoning areas. I would propose that this be made an amendment to the Off-Street Parking Requirements. I propose that additional wording be applied to Appendix A, Zoning Ordinance, Article IV, Sec. 25-31 Required parking, (j) Retail establishments:

“For used car dealerships, in addition to or in conjunction with the employee and building square footage hard surface parking requirements, all new or used vehicles offered for sale must be parked on a hard surface connected with a hard surfaced driveway that connects to a city street. As of the effective date of this ordinance, any used vehicle dealerships currently in business will be allowed one year to provide hard surface parking for their vehicles offered for sale. They would not be required to provide the hard surface drive. A new business selling new or used vehicles starting after the date of this ordinance must be in compliance with the hard surface vehicle parking and the hard surface driveway connecting the parking to the street, before the business license can be approved. Special displays of vehicles temporarily parked on grass or other surfaces for aesthetic purposes is not considered a violation of this ordinance.”

**9. Cul-de-Sac Maintenance** – Some cul-de-sacs in the city are constructed so that the center of the circle has grass or sometimes flowers or bushes inside an inner circle. These areas are usually maintained by one person. When that person moves away or passes away, these areas are sometimes not maintained. Or, larger vehicles will have their rear wheels go through the dirt area, leaving ruts, and then city employees are asked to repair the ruts in the right of way. We would like to amend a section of the city ordinances concerning cul-de-sacs, to not allow these areas on future cul-de-sacs. The last several subdivisions approved by the city have had all concrete cul-de-sacs, which we believe should be continued. The city ordinance to be changed: Chapter 22 Subdivision Regulations, Article III, Sec. 22-22 (10), should be amended to include:

“All new cul-de-sacs must be designed to provide only hard surfaces on the inside of the curbed area. No grass, dirt, or landscaped areas will be allowed.”

**10. Subdivision Monuments** – Subdivision signs and monuments are currently allowed for new subdivisions. Maintenance of these in older subdivisions has fallen to the City to take care of in the past as the developers passed away and either the

property owner did not want to maintain the sign, or the sign would be on city right of way property, and we would be required to fix or remove the sign/monument. This maintenance should not become a city liability in the future. The current ordinance regarding this should be modified as shown. *Deletions to the current section are shown with strikeouts. Additions are in bold letters.* Chapter 22 Subdivision Regulations, Article II Procedures, Sec. 22-11 Contents of the preliminary plat, (c) (1) f.

*“Subdivision signs, monuments; their location, **fees, insurance**, type of construction, and a statement of the owner’s intent to maintain:* Subdivisions shall be permitted to be identified by means of monuments, statues, signs, etc. They may be located on ~~public~~ ~~or~~ private land **or can be on public land if approved by City Council.** The location of said symbols shall be shown on the **preliminary plat and on the** final plat. **The one-time fee for a monument or sign of any type is \$5,000 if approved for the public right-of-way. This fee is intended to recover the city’s costs if repairs or maintenance of the monument/sign is not performed in the future and it must be removed from the public right-of-way and the developers/owners of the subdivision are deceased or cannot be located. The fee is due and payable once city council approves the Final Plat for a new subdivision. The fee for a monument or sign placed on private property is \$2,500. Any sign placed on private property must be on a full size residential lot meeting minimum size by city ordinance. All costs of erection and maintenance of the sign or monument shall be borne by the developers/owners if in the right of way, or the owner of the property if placed on private property.** The city shall have the right to remove said monuments in the case of disrepair, need for public improvements, etc. Any costs incurred for said removal **of a monument or sign** shall be at the cost of the developer/owner **if they are living and can be located. Monuments/signs may show only the name of the Subdivision or area and cannot show information for advertising. All wording for the monument/sign must be approved by the city Codes & Planning Director.**”