

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MSM}

SESSION DATE: August 11, 2008
TIME: 5:30 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **Annexation Policy**
- **Alcohol Use on City Property**
- **Golf Carts on City Streets**
- **City Commission of TSU Officers**
- **Newsletter Review – August 8, 2008**

ANNEXATION POLICY

Annexation is the process by which a city extends its municipal services, regulations, voting privileges and taxing authority to new territory. Cities annex territory to provide urbanizing areas with municipal services and to exercise regulatory authority necessary to protect public health, safety and welfare. Annexation is also a means of ensuring that residents and businesses outside a city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services. Annexation may also be used as a technique to manage growth.

A city can only annex land as allowed by State law. Copies of these regulations are included in this packet.

Annexation is critical to the long-term well being of Kirksville and needs to be carried out in accordance with established policies and not on an ad hoc basis. Because of the fiscal implications of annexation, the costs of providing municipal services must be estimated and weighed against the anticipated revenues of areas proposed for annexation. Performing a fiscal impact analysis does not mean that only areas with positive cash flow should be annexed. There will be instances when health, safety, environmental or other factors will override fiscal considerations and an area may need to be annexed despite its fiscal impact. Other areas may have short-term financial impacts, but may be in the long-range best financial interest of the city.

Following are a list of goals that the City Council may want to consider before an annexation policy is developed and a subsequent plan adopted.

The primary goal of an annexation policy should be to ensure efficient delivery of adequate public services to new development as it occurs in a manner that is most beneficial to the citizens of the community. This goal would be further accomplished by following the Kirksville Comprehensive Plan and approved long range plans for water, sewer, streets and storm drainage. The following goals would those suggested for consideration when the City reviews any proposed annexation.

- Encourage the highest intensity of growth to locate within the City's corporate limits.
- Encourage urban growth within the city limits with gradual phasing outward from the urban core.
- Ensure that adequate public services, facilities and publicly-owned utilities are available to proposed and existing development.
- Encourage land use patterns that will increase the availability of affordable housing for all economic segments of the Tumwater population.
- Supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Tumwater over the next twenty years.
- Ensure that development patterns that will encourage efficient multi-modal transportation systems are coordinated with regional, City and County transportation plans.
- Reduce impacts from flooding; encourage efficient storm water management; and ensure that the groundwater of Tumwater is protected and preserved.
- Consider cost/benefit issues, when appropriate, for proposed annexations to determine annexation boundaries and timing.
- Inform the public of all annexation proceedings, in full accordance with state law.
- Consider citizens' concerns during the annexation process.

Recommended Action:

If the Council is in agreement with the goals of annexation a policy and subsequent plan and policy can be developed.

ORDINANCE ALLOWING ALCOHOL ON CERTAIN CITY PROPERTY

At the January 22, 2008 City Council Study Session, the City Council was presented a proposal to enhance the airport days hosted at the Kirksville Regional Airport. The president of the Kirksville Airport Association, Randy Smith was in attendance and

outlined the ideas and activities proposed for the event. One of those events included the sale of alcohol at the airport. The City Council also discussed expanding that opportunity by allowing the sale of alcohol at North Park and Rotary Park.

Included for City Council review is a report from Community Services Director Steve Bell and an ordinance that has been prepared by City Attorney Howard Hickman. It was intended that this Ordinance be considered in time to allow for the promotion of the dance as part of the Airport Days.

Recommended Action – The City Council needs to review the ordinance and determine if it is what was expected based upon your discussion from January. With the sale of the hangar building to KREDI AND HIT, the consumption of alcohol at the airport may be irrelevant.

GOLF CARTS ON CITY STREETS

The City Council had been asked to consider allowing the use of golf carts on city streets. The reasons cited reference the impact that fuel prices are having on the individual's pocketbook. A number of communities, mostly small, rural communities across the country have established ordinances allowing for this use. States such as Florida and California have passed legislation allowing their cities to pass legislation to allow the use of golf carts.

It is important to note that the Missouri Highway Patrol prohibits the use of golf carts on state roadways. For our community, it would mean that an individual could not cross over a state roadway such as Baltimore. It is easy to determine that Highways 63, 11 and 6 are state roadways, but questions begin to surface regarding those streets within the City that share a route name. Such as Northtown Road/Fairview Road and Route P. There are a few other roads that may be considered state routes such as Industrial Road as it connects to Route B or Boundary and Highway H. City Attorney Hickman has been asked to look into this and provide comment on what he researches.

Included with this study session packet is a preliminary review of the issue outlined in a Memorandum from Police Chief Jim Hughes. In addition to this document is a news report regarding the City of Albany, Missouri whose City Council recently adopted an ordinance allowing the use of golf carts on city streets. The final document included on this topic is a recent Department of Transportation National Highway and Traffic Safety Administration standard what was release on the use of golf cars on highways. This document will need to be reviewed more closely to determine its implications regardless of whether or not the City Council would want to pursue an ordinance allowing the use of golf carts on city streets.

Recommended Action – Staff will summarize the findings of the information that has been obtained and will outline the issues to consider regarding the use of golf carts on city streets.

CITY COMMISSION OF TSU OFFICERS

In August 2003, then new Police Chief Jim Hughes had presented a proposal to commission certified law enforcement officers working for Truman State University as officers for the City of Kirksville, giving them police powers outside of the authority they already have on the grounds of Truman State University. At the time, the City Council was interested in discussing this further. By June of the next year, changes were made to the leadership of the City and the concept outlined to commission these individuals was no longer supported.

We would like to discuss this concept with the City Council and share the benefits that we have identified as well as the concerns that were expressed by previous City Council members. The most significant benefit is having additional manpower to assist the City sworn personnel creating improved efficiencies. Included for your review is the original memorandum submitted by Chief Hughes in June 2004 outlining the benefits of the program. Also included is a draft agreement that would be executed between the City and Truman State University.

One of the negatives expressed by some members of the Council was the ability of TSU Department of Public Safety sworn officers to stop individuals who were violating the laws off campus. The City Council had differing opinions about why this was a benefit or a detriment to the community. Mayor Rowe was on the City Council during these discussions and can share information regarding the pros and cons of this issue from the Council's perspective.

Recommended Action – We will discuss the concept with the City Council, answer questions and determine if there is interest on the part of the City Council to partner with Truman State University's Department of Public Safety.

NEWSLETTER REVIEW – April 4, 2008

Attachments

- Missouri Law Regarding Annexation - pgs. 5-6
- Staff Report on Use of Alcohol on Certain City Property – pg.7
- Proposed Ordinance Regarding – pgs. 8 -10
- Staff Report on Golf Carts – pgs. 11-12
- Article on Albany, Missouri – pg. 13
- National Transportation Safety Administration Report – pgs. 15-16
- Staff Report on Commission of TSU Officers – pg. 17
- Memorandum from 2004 – pgs. 18-19
- Proposed Agreement between City and TSU – pgs. 20-25

Missouri Revised Statutes
Chapter 71
Provisions Relative to All Cities and Towns
Section 71.012

August 28, 2007

**Annexation procedure, hearing, exceptions (Perry County, Randolph County)--
contiguous and compact defined--common interest community, cooperative and
planned community, defined--objection, procedure.**

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or

improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

(L. 1976 H.B. 1362, A.L. 1978 S.B. 738, A.L. 1980 H.B. 1110, A.L. 1986 H.B. 1135 merged with H.B. 1261, A.L. 1989 H.B. 487, A.L. 1990 H.B. 1536, A.L. 1993 S.B. 376, A.L. 1995 H.B. 414, A.L. 1996 H.B. 1237, A.L. 1998 H.B. 1352, A.L. 1999 S.B. 160 & 82, A.L. 2005 H.B. 58, A.L. 2007 H.B. 459 merged with S.B. 22 merged with S.B. 30)

Missouri Revised Statutes

Chapter 71
Provisions Relative to All Cities and Towns
Section 71.016

August 28, 2007

Annexation of noncontiguous territory, when allowed.

71.016. Whenever fifty percent or more of the area of a city, town, or village organized under the laws of this state is liable to be inundated as a result of the construction of a lake, reservoir or other body of water, and it is determined by the legislative body of the city, town, or village, that it is impracticable to annex adjacent or contiguous territory to afford the necessary additional area for the city, town, or village, the legislative body of the city, town, or village may extend its governmental authority over a new townsite in the manner provided in sections 71.016 to 71.019.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Sale and/or Consumption of Alcohol on City Property

STUDY SESSION MEETING DATE: April 8, 2008

CITY DEPARTMENT: Community Services

PREPARED BY: Steven Bell, Community Services Director

Randy Smith, Kirksville Airport Association, approached City Council with a proposal to develop an air show at the Kirksville airport in September. As part of his proposal he requested that beer and wine be served at the event. In further discussion staff was asked to also research methods of allowing alcohol at North Park and the Rotary Park Amphitheater for special events.

The current ordinance allows for the sale of beer and wine on public property in the downtown business district only. The October Fest in front of IL Spazio is an example of current practice allowable under the existing ordinance.

The new ordinance would allow for the consumption of beer and wine at North Park, Rotary Park Amphitheater and the Airport in addition to the downtown district. The applicant for any permit to sell alcohol must be a nonprofit, charitable organization or department of the City of Kirksville.

All events for which a permit is issued will comply with the following: The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area. The area will include city approved entrances/exits, which will be staffed at all times. A system of checking I.D.'s to prevent underage drinking must be provided and followed. A layout of the area to be utilized for serving and consuming alcohol will be provided with the application. The specific hours of the event will be approved as part of the permit. All events for which a permit is issued will conclude no later than twelve o'clock midnight.

The applicant must comply with all other City ordinances and policies regarding the use of City property.

**Policy For Consumption of Alcohol
(Intoxicating Liquor or Non-intoxicating Beer)
On City Property**

PURPOSE:

The City of Kirksville hereby adopts the following policy to allow for the consumption of alcohol on City Property. The purpose of this policy is to prescribe the manner in which permits for the consumption of alcohol at special events on City property will be issued, the requirements for such permits, and the rules and regulations governing such activities. The applicant must comply with all other City ordinances and policies regarding the use of City property.

PROCEDURES:

1. Any request for the use of a public facility, whether or not it involves the consumption of alcohol, must be made to the appropriate City department responsible for the administration of that facility.

2. In addition to the submittal of an application for the use of a public facility, sponsors of any special event at which it is proposed that alcohol be allowed to be consumed must also submit an application to the City Clerk's office for a permit to possess and consume alcohol at a special event on City property no later than sixty (60) days in advance of the proposed event or effective date of the permit. There shall be no fee for such application

3. Application's will be approved by the City Council after input from the City Manager and other City departments. A permit may be denied if, based on information acquired by or submitted to the City Council, it is determined that the issuance of the permit is contrary to the public health, welfare and safety.

GENERAL REQUIREMENTS:

1. **Insurance** - The permit holder shall provide a certificate of general liability insurance which names the City as an additional insured, and provides for at least fifteen (15) days notice of cancellation. The minimum insurance coverage limits shall be \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate.

2. **Applicant** - Only municipal, charitable and/or nonprofit organizations shall be allowed to apply for and receive such a permit, in conjunction with a specified event to be held on City property as designated in the application. Only one organization per event is eligible to receive such a permit, which must be the primary organization sponsoring the event, or a municipal, charitable or nonprofit organization selected by the primary sponsor.

3. **Special Event Defined** - A special event is defined as any event that is open to the public, regardless of whether a fee is charged, specific to an identifiable time and place.

4. **Posting** - The permit for the possession and consumption of alcohol on City property must be posted in a conspicuous location at all times during the event.

5. **Other** - The permit holder must meet with Kirksville Police Department staff to review all rules, regulations and conditions associated with the permit. A representative of the permit holder is required to be on site for the entire event, and shall provide contact information to the Kirksville Police Department. The permit holder shall comply with all conditions established by the Kirksville Police Department and/or the Kirksville Fire Department for such event.

6. **Locations** - Permits for the possession and consumption of alcohol on City property will only be considered at the following locations:

- a. Airport
- b. Downtown streets located in the Central Business District
- c. North Park Complex
- d. Rotary Park Amphitheater

7. **Security** - Certain events may require the need for security personnel or police officers for crowd and traffic control. Security requirements will be determined by the Kirksville Police Department, which must be accepted and followed. The applicant/sponsor will be required to pay for security personnel for the event.

8. **Location Layout Requirements** - All events for which such a permit is issued shall comply with the following:

- a. The area in which the possession and consumption of alcohol will be allowed must be in a designated enclosed area defined by appropriate physical barriers (e.g. fencing, etc.) to prevent unauthorized entry or contact with individuals outside such area.
 - b. The Kirksville Police Department shall determine the number of entrances/exits required for each event. All entrances/exits, shall be staffed at all times.
 - c. A system of checking I.D.'s to prevent underage drinking must be provided and followed.
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d. A layout of the area to be utilized for serving and consuming alcohol shall be provided with the application. Such area proposed must be approved as part of the issuance of the permit.

e. The specific hours of the event will be approved as part of the permit, however, all such events for which a permit is issued shall conclude no later than twelve o'clock midnight.

9. ***Sale of Alcohol*** - The sale of alcohol at any such event shall only be allowed by the holder of valid licenses for such sales issued by both the City of Kirksville, and the Missouri Department of Liquor Control.

10. ***Terms and Conditions*** - Various City departments, including the Kirksville Police Department and the Kirksville Fire Department, will be asked to review the application, and may recommend to the City Council the placement of certain conditions or requirements on the issuance of the permit. The permit issued by the City will contain the terms and conditions under which the permit is being issued and are deemed necessary by the City Council. The applicant/sponsor will be required to sign the permit, thereby agreeing to all terms and conditions thereof, and to the provisions of this policy.

11. ***Comply With Other Laws*** - Applicant/Sponsor shall not allow the site of the special event to be used in violation of any other local, state or federal law or regulation, including, but not limited to, those prohibiting public intoxication and serving of alcoholic beverages to minors.

12. ***Indemnity*** - The applicant/sponsor shall agree to hold the City harmless and indemnify the City and defend the City from and against all claims, actions, suits or demands, including reasonable attorneys fees, arising out of any breach by applicant of the terms of this policy or of the terms and conditions of the permit.

{We will still need to tweak a couple of the existing code sections and generate a form application and form permit.}

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Use of Golf Carts on City Streets

STUDY SESSION MEETING DATE: August 11, 2008

CITY DEPARTMENT: Police Department

PREPARED BY: Jim Hughes, Police Chief

The Police Department unequivocally supports its residents in their attempts to save money, improve the environment, and make their everyday lives more convenient/efficient; especially in this time of rising gas prices and ever present potential for fuel shortages. With that said however, this support must be tempered/balanced with hard won safety experience developed over the last 100+ years analyzing the operation of various motorized vehicles.

Golf carts do not benefit from mandatory/legislated safety measures that have been developed for automobiles, trucks and motorcycles. However, we would be hard pressed, within recommended limitations (to follow), to show that they are any more dangerous than scooters.

In approving such an ordinance the city needs to acknowledge that anytime you permit smaller nonconventional vehicles onto the public roadways you increase the chances of accidents/injuries.

This paper is not an endorsement for the use of golf carts on city streets. It is a concept paper discussing some of the questions associated with this issue and potential recommendations on limitations to their use (if Council wishes to pursue this further).

Based on the most significant safety concerns, the following are recommended limitations on their use (in essence they must be in road ready condition):

Any operator must have a valid driver's license

Operators must obey all rules/laws of the road

Each vehicle must have liability insurance (at a minimum) similar to licensed vehicles

Must be in good mechanical condition

Since they will not technically be motor vehicles, operators must notify the Police Department in case of an accident

Vehicle occupancy can not exceed seat/seat belt capacity (not a primary violation)

Golf carts must yield to pedestrians at all times

Each vehicle must be equipped with:

- A functional rear view mirror

- Windshield wipers (if equipped with a windshield)

- Headlights (if allowed at night)/taillights/brake lights in conformance with state law

- Seat belts for all passengers

Golf cart use will be prohibited on certain streets/roadways. Those restricted include:

- Any state highway*

- Others that may be designated (e.g. designated arterials?)

Unless designed and manufactured as “road ready” golf carts may not be operated at speeds in excess of 35 mph

Any golf cart that can not maintain a minimum speed of 25 mph must display a slow moving vehicle placard and an orange/yellow safety flag/pennant clearly visible and fixed on the cart at least (5) feet above the roadway

Use is limited to authorized roadways. It will not include bike/pedestrian paths, sidewalks, or similar prohibited areas

Any ordinance should not include ATV's or other high performance nonconventional vehicles

In a spot review of efforts in other communities, it appears that some have passed ordinances authorizing golf cart use, some have not. Anecdotally, it appears that the smaller the community, or those that specifically cater to seniors, the more likely they are to authorize their use.

If Council were to consider allowing golf cart use, there are a number of questions that would need to be answered (beyond the issues already discussed). This is not an all inclusive list:

- Acknowledging the lack of safety equipment, will there be any restrictions on age of operators and/or passengers?

What about nighttime operations/restrictions?

What about mandatory registration?

- * State law does not permit golf carts, for general transportation purposes, to be driven on State highways. This means that no matter what Council decides, the vehicle could not be driven on any State highway in town. This would technically preclude crossing a state prohibited highway, from one side to the other (e.g. Baltimore).

ALBANY, Mo. -- Soaring gasoline prices drive a northwest Missouri town to join the growing trend of legalizing the use of golf carts on city streets.

Officials in Albany this week passed an ordinance to allow golf carts on streets within the city limits. City Administrator Derek Brown said several residents asked the city to legalize the use of golf carts, saying the practice would be cheaper than traveling around town in a car.

[Click here to find out more!](#)

The city of 1,900 will require a \$15 annual permit for each cart. A seven-foot orange flag must be attached to each cart so they can be easily seen by motorists.

Brown said several other communities have moved to allow the use of golf carts to save money on fuel.

63 FR 33913, June 17, 1998

**DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
49 CFR Part 571
[Docket No. NHTSA 98-3949]
RIN 2127-AG58
Federal Motor Vehicle Safety Standards**

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule

SUMMARY: This final rule responds to a growing public interest in using golf cars⁽¹⁾ and other similar-sized, 4-wheeled vehicles to make short trips for shopping, social and recreational purposes primarily within retirement or other planned communities with golf courses. These passenger-carrying vehicles, although low-speed, offer a variety of advantages, including comparatively low-cost and energy-efficient mobility. Further, many of these vehicles are electric-powered. The use of these vehicles, instead of larger, gasoline-powered vehicles like passenger cars, provides quieter transportation that does not pollute the air of the communities in which they are operated.

Currently, there is a growing conflict between state and local laws, on the one hand, and Federal law, on the other, in the treatment of these small vehicles. That conflict unnecessarily restricts the ability of vehicle manufacturers to produce and sell, and the ability of consumers to purchase, these vehicles. In recent years, a growing number of states from California to Florida have passed legislation authorizing their local jurisdictions to permit general on-road use of "golf carts," subject to speed and/or operational limitations. A majority of those states condition such broad use upon the vehicles' having specified safety equipment. Further, some of these states have opened the way for the use of vehicles that are faster than almost all golf cars. Most conventional golf cars, as originally manufactured, have a top speed of less than 15 miles per hour. These states have either redefined "golf carts" to include vehicles designed to achieve up to 25 miles per hour or have established a new class of vehicles, "neighborhood electric vehicles," also defined as capable of achieving 25 miles per hour.

Under current NHTSA interpretations and regulations, so long as golf cars and other similar vehicles are incapable of exceeding 20 miles per hour, they are subject to only state and local requirements regarding safety equipment. However, if these vehicles are originally manufactured so that they can go faster than 20 miles per hour, they are treated as motor vehicles under Federal law. Similarly, if golf cars are modified after original manufacture so that they can achieve 20 or more miles per hour, they too are treated as motor vehicles. Further, as motor vehicles, they are currently classified as passenger cars and must comply with the Federal motor vehicle safety

standards for that vehicle type. This creates a conflict with the state and local laws because compliance with the full range of those standards is not feasible for these small vehicles.

To resolve this conflict, and to permit the manufacture and sale of small, 4-wheeled motor vehicles with top speeds of 20 to 25 miles per hour, this final rule reclassifies these small passenger-carrying vehicles. Instead of being classified as passenger cars, they are now being classified as "low-speed vehicles." Since conventional golf cars, as presently manufactured, have a top speed of less than 20 miles per hour, they are not included in that classification.

As low-speed vehicles, these 20 to 25 mile-per-hour vehicles are subject to a new Federal Motor Vehicle Safety Standard No. 500 (49 CFR 571.500) established by this final rule. The agency notes that the growing on-road use of golf cars has already resulted in some deaths and serious injuries, and believes that the new standard is needed to address the effects in crashes of the higher speed of low-speed vehicles. The standard requires low-speed vehicles to be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. The agency believes that these requirements appropriately address the safety of low-speed vehicle occupants and other roadway users, given the sub-25 mph speed capability of these vehicles and the controlled environments in which they operate.

This rulemaking proceeding was initiated in response to a request by Bombardier, Inc., that the agency make regulatory changes to permit the introduction of a new class of 4-wheeled, passenger-carrying vehicle that is small, relatively slow-moving, and low-cost.

DATES: The final rule is effective upon its publication in the Federal Register. Petitions for reconsideration must be filed not later than [45 days after publication of the final rule].

Incorporation by reference of the materials listed in this document is approved by the Director of the Federal Register and is effective upon publication in the Federal Register.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: City Commission of TSU Officers

STUDY SESSION MEETING DATE: September 25, 2007

CITY DEPARTMENT: Police

PREPARED BY: James C. Hughes, Chief of Police

As you may recall, on August 18, 2003, I briefed City Council on the merits of providing City police commissions to the State certified police officers working for the Department of Public Safety at Truman State University.

On June 8, 2004, I submitted a formal request for such action (see attached copy of that memorandum).

Based on circumstances I can only describe as unique, City Council (in a 3-2 vote) did not approve this request.

Based on my training and experience (and that of many other professionals throughout the United States) I still believe, for any number of reasons, that this is a good idea.

I am again submitting this request.

Thank you for your consideration in this matter.

KIRKSVILLE POLICE DEPARTMENT

MEMORANDUM

TO: Mari Macomber
City Manager

FROM: Jim Hughes
Chief of Police

DATE: June 8, 2004

REF: STATUS REPORT (City Commissions for TSU Officers)

On August 18, 2003, I updated City Council on the Kirksville Police Department. During that briefing I informed Council of my interest in obtaining off-campus authority/commissions for the certified police officers working for Truman State University (TSU) . Based on those discussions, Tom Johnson (the Director of Public Safety for TSU) and I have been working on this effort. We drafted an Intergovernmental Agreement that specifically spells out the parameters of such authority. We have submitted this agreement to both legal staffs and have obtained their approval/support. Now it is time to make a formal presentation to City Council.

Some of the issues relevant to this request include:

The DPS Officers are state certified officers, no different than our own, local Sheriff's Deputies, or the State Patrol.

All agencies in the County are participating in more joint/regional training (with a plan to increase this training in the future).

We currently have one DPS Officer on our SRT Unit.

This program would result in an increase in available officers throughout town (especially during times when KPD Officers are busy on other critical calls).

This program would result in an increase in enforcement efforts near campus (especially as regards to speeding and pedestrian violations on the City streets immediately surrounding campus).

This effort would result in an increase in City revenues resulting from the DPS authority to write municipal tickets.

It will decrease the number of times our officers have to respond to assist campus officers on some criminal/traffic matter they have observed near, but off-of, campus.

In the recent peer city survey completed by the Police Department, it was determined that in 71% of the cities surveyed (that had universities with campus police departments), the university officers had jurisdiction off-of campus.

Although inter-department relations are currently quite good, this would likely improve those relationships even more.

DPS officers would be recognized as equal law enforcement partners in this community. This would include the ability to hold students accountable for their behavior anywhere near campus.

This would increase the overall efficiency of policing in Kirksville.

I have attached a copy of the current draft of the Intergovernmental Agreement.

Intergovernmental Agreement for Mutual Aid

Kirksville Police Department and Truman State University Department of Public Safety

It is the desire of the Truman State University Department of Public Safety and the City of Kirksville, Missouri, Police Department to provide the best possible atmosphere of collaborative public safety on and around the University Campus and throughout the entire city. As such, the City of Kirksville has granted police commissions to certified police officers of the Truman State University Department of Public Safety. This agreement is designed to establish the working relationship between the University and Kirksville Police Departments, and all provisions of this agreement are to be interpreted with the goal of increased public safety in mind.

The City of Kirksville police commission may be revoked at any time, for any reason, by the Truman State University Director of Public Safety, the City of Kirksville Chief of Police, the City of Kirksville City Administrator or their designee.

For the purposes of this agreement, the primary jurisdiction of the University Department of Public Safety will be property owned or leased by Truman State University, and the primary jurisdiction of the Kirksville Police Department will be the City limits of Kirksville, with concurrent jurisdiction on property owned or leased by Truman State University within the City of Kirksville.

Authority for this agreement is in accordance with Section 70.820 of the Missouri Revised Statutes.

I. CALLS FOR POLICE SERVICE

- A. All calls for police services which are received by the University Department of Public Safety, and concern incidents which have occurred on University property, will be investigated by the University Department of Public Safety.
- B. All calls for police services which are received by the University Department of Public Safety, and concern incidents which have occurred off the property of the University, will be referred to the Kirksville Police Department without unnecessary delay.

- C. All calls for police services which are received by the Kirksville Police Department, and concern incidents which have occurred on the property of the University, will be referred to the University Department of Public Safety without unnecessary delay.
- D. Calls of an emergency or life threatening nature may be responded to by the agency which initially receives the call, concurrent with the referral to the agency having actual jurisdiction. The urgency of the police mission supersedes temporary jurisdictional determination. When officers from both agencies are at the scene of an emergency, the agency with primary jurisdiction will have full authority and responsibility for the police operation at the scene. The senior officer from the agency with such jurisdiction will be in command of all police officers from both jurisdictions unless they elect to defer to or seek assistance from a more experienced/seasoned officer or supervisor on the scene.
- E. Since University police officers travel city streets around property owned and leased by the University during the course of their duties and render back-up assistance to Kirksville Police officers on calls the extension of City of Kirksville police authority to the University Department of Public Safety would benefit public safety to the community as a whole. This agreement extends this authority to University police officers on city streets and/or within the city limits of Kirksville.

II. CALLS FOR ASSISTANCE

In cases where emergency assistance is required by either agency, the requested agency shall provide such assistance.

- A. Requests for assistance will normally be made through the Adair County 911 Communications Center, although other arrangements may be made as appropriate to the incident.
- B. The authority to request emergency assistance from the other agency, and the authority to grant such requests, is delegated by the Kirksville Chief of Police and by

the University Director of Public Safety to their on-duty watch commander or supervisors. In extremely urgent, life-threatening situations when there is not sufficient time to contact the watch commanders, certified officers from either agency may respond immediately to urgent calls for assistance from officers of the other agency.

- C. Personnel responding to a call for assistance will report to the highest ranking, certified, non-probationary, officer from the requesting agency at the scene of the incident. In all emergency situations, officers from the responding agency will assist as directed by the ranking officer on the scene from the requesting agency. Officers from the responding agency will be under the immediate command of their own supervisors on the scene, but such supervisors will be under the direct supervision and command of the ranking officer on the scene from the requesting agency unless that ranking officer elects to defer to or seek assistance from a more experienced/seasoned officer or supervisor on the scene.
- D. Press releases and media management will be the responsibility of the requesting agency in whose jurisdiction an emergency incident has occurred.

III. TRAFFIC ACCIDENTS

- A. Traffic accidents that occur on the property of the University shall be investigated by the University Department of Public Safety. Assistance may be requested from the Kirksville Police Department in cases where the accident is serious and no University police officer is available, or when additional help is needed for investigative assistance or for traffic control duty.
- B. Traffic accidents that occur off the property of the University in the City of Kirksville, including those accidents which occur in City Streets running through the Truman State University campus, shall be investigated by the Kirksville Police Department. Assistance may be requested from the University Department of Public

Safety in cases where the accident is serious and no Kirksville officer is available, or when additional help is need for investigative assistance of for traffic control duty.

- C. In cases of officer involved accidents, the agency having actual jurisdiction will conduct the initial investigation. Follow-up investigation may be performed by either or both agencies.

IV. FOLLOW-UP INVESTIGATION

- A. Cases initiated by either agency which require subsequent investigation within the jurisdiction of the agency will be retained by the initial agency. Also, cases initiated by either agency which require subsequent investigation within the jurisdiction of the other agency will be retained by the initial agency.

1. It will be the policy of the University Department of Public Safety to notify the Kirksville Police Department when officers are conducting an investigation within their jurisdiction, and to request that a Kirksville police officer assist the investigating officer if such assistance is appropriate.
2. It will be the policy of the Kirksville Police Department to notify the University Department of Public Safety when officers are conducting an investigation within their jurisdiction, and to request that a University police officer assist the investigating officer if such assistance is appropriate.

V. INFORMATION EXCHANGE

- A. Contemporary law enforcement relies heavily on information. Both agencies recognize the other's need for accurate, timely information and the mutual benefits derived from the exchange of such information.

1. The University Department of Public Safety will provide the Kirksville Police Department with information that may reasonably be expected to impact the City.
2. The Kirksville Police Department will provide the University Department of Public Safety with information that may reasonably be expected to impact the University.
3. The criteria to be used to determine information exchange is whether there is any reasonable indication that the persons involved or implicated in any incident may reside in, traverse through, or commit further criminal acts in the jurisdiction of the other.

B. Uniform Crime and/or NIBRS reporting to the Federal Bureau of Investigation and the Missouri Department of Public Safety, of offenses occurring on University property will be the responsibility of the University Department of Public Safety.

C. In accordance with the racial profiling provisions of Section 590.650 of the Missouri State Statutes, each agency will report their own contacts regardless of the jurisdiction in which the enforcement action was made.

VI. APPLICABILITY OF AGENCY RULES, REGULATIONS, AND POLICIES

- A. Nothing in this agreement is intended to negate or supersede existing rules, regulations, or policies of either agency.

VII. DISCLAIMER

- A. *The Truman State University Department of Public Safety assumes full responsibility for actions taken in accordance with this agreement by police officers of the Department of*

Public Safety, in areas outside their primary jurisdiction in the city limits of Kirksville not arising from a request for assistance from the City of Kirksville Police Department.

B. This includes, but is not limited to, liability, worker's compensation insurance and other employee issues arising from the actions taken.

Jim Hughes
Chief of Police
Kirksville Police Department

Thomas R. Johnson
Director
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Truman State University