

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager <sup>MSM</sup>  
**SESSION DATE:** February 23, 2009  
**TIME:** 12:00 p.m.  
**PLACE:** Second Floor Conference Room City Hall

## AGENDA:

- **Senate Bill 40 Presentation**
- **Discuss Baltimore Sidewalk Project**
- **Newsletter Review**

## SENATE BILL 40 PRESENTATION

In 2005 a committee of citizens organized an effort to ask voters to support the creation of a Senate Bill 40. The April 2005 ballot called for a 15-cent tax per every \$100 of the assessed value of the property, to provide funding support for developmentally disabled individuals. If the measure passed, the Committee estimated \$317,000 would be raised annually to provide this support. Proposition O, commonly referred to as Senate Bill 40, passed into the Missouri State Statutes in 1969. And until 2005, Adair County was one of the largest counties in the State that had not established a SB 40.

Senate Bill 40 (SB40) Boards administer and establish and/or operate sheltered workshops, residence facilities, and/or related services for the care or employment of persons with developmental disabilities. Of Missouri's 114 counties and the city of St. Louis, 85 have established SB 40 Boards.

As set forth by state statute, when a levy is approved by the voters, the governing body of any county or city not within a county of this state shall establish a board of directors. The boards of directors shall be a legal entity empowered to establish and/or operate a sheltered workshop, residence facilities, or related services, for the care or employment, or both, of handicapped persons. The board shall be considered as a "political subdivision".

SB 40 Boards may only provide services for those persons defined as handicapped persons in section 178.900, RSMo.

"Handicapped persons", a lower range educable or upper range trainable mentally retarded or other handicapped person sixteen years of age or over who has had school training and has a productive work capacity in a sheltered environment adapted to the abilities of the mentally retarded but whose limited capabilities make him nonemployable in competitive business and industry and unsuited for vocational rehabilitation training;

Nan Davis, Executive Director of our SB 40 will be in attendance on Monday to provide an overview of the SB 40 and the services provided.

Included with this report is a map that shows all of the SB40s currently in the state.

#### Recommended Action

This is a good opportunity for members of the City Council to learn more about this new service available to residents of Adair County and the City of Kirksville.

### **DISCUSS BALTIMORE SIDEWALK PROJECT**

In 2007, the City Council was notified of an enhancement grant award from the Missouri Department of Transportation for the purpose of constructing additional sidewalks along Baltimore, Cottonwood and a multi-purpose trail along Steer Creek to connect Rotary Park with the existing Steer Creek Trail. The project would require the trail to go under Highway 63.

We expected to begin work last year, but plan review was delayed in Jefferson City. Staff is working to complete this project in 2009.

We have been able to get a portion of the easements that we need to complete that section of multi-purpose trail along Steer Creek, but have hit a significant roadblock in acquiring the balance of the easements needed. We have easements for the beginning and ending sections of this trail. One property owner owns that section of land in between and is not interested in providing easements for a variety of reasons.

The City Council has one option to pursue if you wish to continue the original route of this project, and that is pursuing condemnation. The City pursued a previous trail condemnation to complete the trail from Michigan south along Osteopathy. It was a very costly property acquisition. The City has also pursued condemnation of property when mandated by the Federal government. The City condemned property at the airport due to clear zone requirements of the Federal Aviation Administration.

We would like to discuss an alternative approach to this project that would provide sidewalk along the east side of Baltimore and encourage the use of the crossings at the lighted intersections of Illinois and New Street.

Maps will be available on Monday for discussion purposes. Once we have direction from the Council, we will meet with MoDOT officials to discuss the final steps of the project.

#### Recommended Action

It is recommended that the City Council consider alternative options to allow for the completion of the sidewalk project along Baltimore establishing connectivity to various locations.

## **NEWSLETTER REVIEW – February 20, 2009**

### Attachments

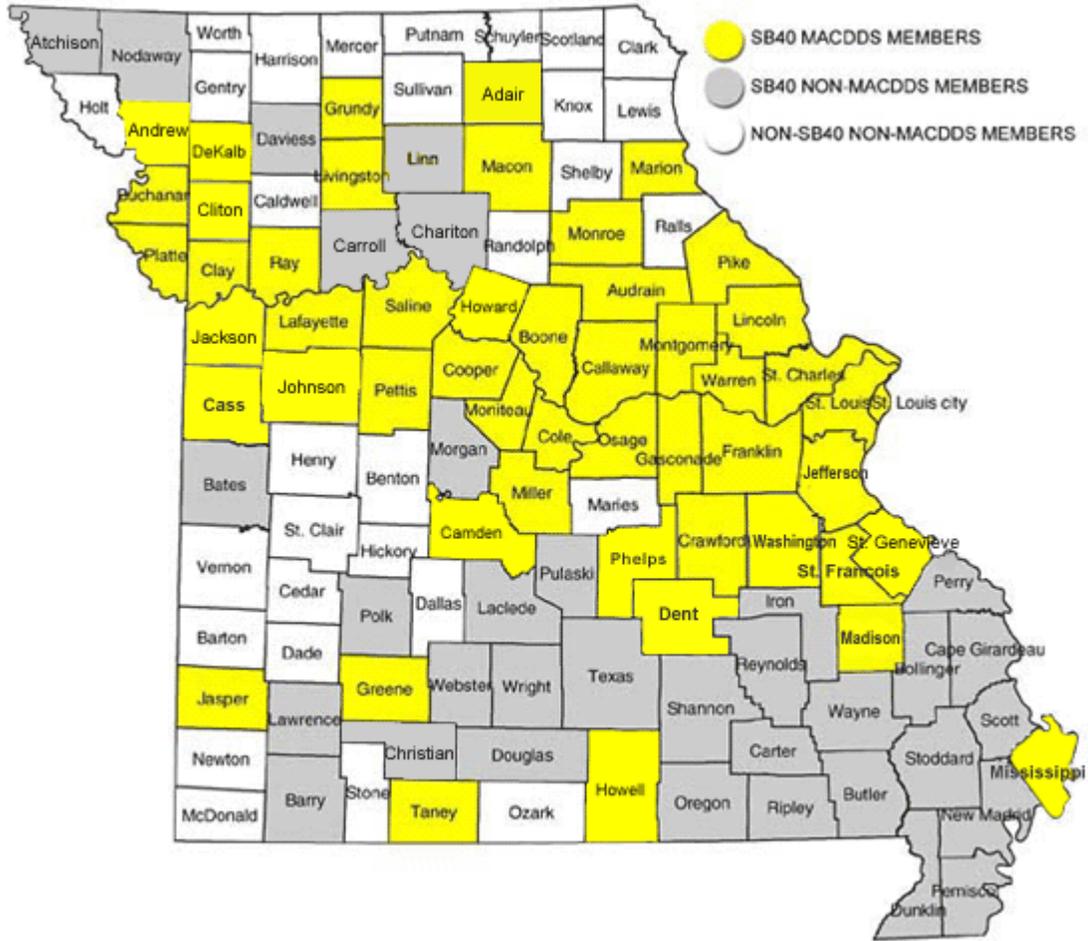
SB 40 Map

Staff Report from John Buckwalter

Map – Baltimore Trail Project – Illinois to New Street

Map – Baltimore Trail Project – Baltimore to Steer Creek Trail

# SENATE BILL 40 Map



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

**SUBJECT:** Baltimore Enhancement Grant-Design Issues

**STUDY SESSION MEETING DATE:** February 23, 2009

**CITY DEPARTMENT:** Public Works/Engineering

**PREPARED BY:** John R. Buckwalter, PE

1. On September 4, 2007 Council approved an agreement with the Missouri Highway and Transportation Commission for a 2007 MoDOT enhancement grant. The original scope of the project included construction of sidewalk on the west side of Baltimore from Illinois to New Streets, construction of sidewalk on Cottonwood from Village 76 to Baltimore, replacement of the asphalt sidewalks or terrace on Baltimore south of LaHarpe, and the construction of a multipurpose trail section from Baltimore to the Steer Creek Trail along Steer Creek, including a crossing of Baltimore using the existing box culvert at Rotary Park. The grant agreement called for \$228,834 from MoDOT and \$66,602 from the City. Work was originally anticipated for the 2008 construction season. The grant requires that plans and specifications be submitted to MoDOT not later than August 22, 2010 and that the City obtain construction authorization (authority to advertise for bids) not later than February 22, 2011.

2. As detailed plans were developed for the proposed work it became obvious that the grant funds were not adequate for the entire project. At the same time the first discussion of a TIF and redevelopment of Baltimore south of LaHarpe was proposed. The portion south of LaHarpe was removed from the scope of the enhancement project because it was not compatible with proposed improvements to the south shopping mall and streetscape. Plans for the work north of Illinois continued, and plans and specifications were sent to MoDOT on September 4, 2008, in order to obtain their permission to obtain required easements and rights of way. On October 23, 2008 MoDOT authorized the City to begin acquisition of right of way.

3. One property owner controls over 500 feet of the proposed trail route along Steer Creek. He has adamantly refused to grant an easement for the project, and states that he represents not only himself, but four adjoining property owners who are expressly opposed to a trail in their back yard. If this portion of the project is to remain, condemnation will be required. To date, Council has resorted to condemnation only one time in the development of trails, and that was for a parcel consisting of 1703 square feet of former railroad right of way.

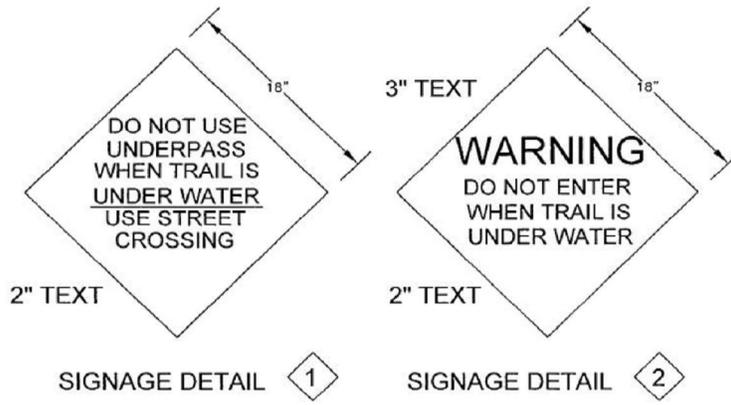
4. An alternative, which provides similar functionality for the system, is to construct a sidewalk on the east side of Baltimore from Overbrook to Queens Road to New Street, a total of 1915 feet. This walk would cost between \$43,100 to \$50,000 depending on alignment and earthwork required. The crossing under Baltimore would be eliminated, as would the trail section along Steer Creek. The deleted work has an estimated value of \$52,357.

5. Staff requests Council's advice and guidance on which alternative to pursue or other alternatives Council wishes to be investigated.

TRAIL SECTION ALONG BALTIMORE from Illinois to New Street



TRAIL SECTION between Baltimore and Steer Creek Trail



PROPOSED TRAIL IMPROVEMENT AT BALTIMORE AND ROTARY PARK