

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager

SESSION DATE: December 18, 2007
TIME: 5:30 p.m. to 6:30 p.m.
PLACE: City Council Chambers

AGENDA:

- **Discuss Highway 63 Alternate Route Ballot Issue**
- **Review Investigative Report of General Condition of Downtown Awnings**
- **Discuss Compensation for City Council Members**
- **Newsletter Review – December 7, 2007**

DISCUSS HIGHWAY 63 ALTERNATE ROUTE BALLOT ISSUE

The City Council was asked by MoDOT whether or not the City supported the proposed alternate route 63. The Council agreed to review the matter and hosted a public meeting to receive input from citizens. The turn out to this public event showed that citizens of the community were interested in the issue and the overwhelming majority expressed support for the project. As a result the Council sent a letter of support

“The City Council voted to support the Highway 63 Alternate Route and in doing so sends this letter encouraging approval and support through the selection process. Our support is contingent upon the approval of any tax or bond issue placed before our voters. As you know, our citizens have shown overwhelming support for worthy projects like our four-lane of Highway 63 between Kirksville and Macon. Due to your timeline, we are willing to place the item before our citizens as early as April 8, 2008.”

The Council also expressed concerns about the actual design of the project. See letter included in this packet.

The details of the issue were not worked out. The City Council knew that the County Commissioners had expressed concern about the last Highway 63 project being a city only issue and wanted to consider a county wide measure. As a result, the City Manager met with County Officials initially to explore the options, and then Mayor Rowe and Mayor Pro Tem McCord met in a follow-up meeting to determine the course of who would take the lead on the project. As of last week, the County Commissioners were still exploring the possible options available to them.

If the City Council is going to take the lead and place the measure on the April ballot, the City Council has only two regularly scheduled meetings between now and the deadline to place items on the April ballot. This would not preclude the Council from hosting a special meeting, but it is preferable to be prepared and make a timely decision.

The Adair County Commissioners have been invited to attend the Council's Study Session on Tuesday to discuss this with the Council and determine the course of action.

Recommended Action:

The City Council and County will need to determine who should be taking the lead on this matter in terms of placing it before the voters. There is some concern that if it is a county issue the voters will not see this as a renewal of a tax, but a new tax. There has also been much comment about letting all the residents within the County vote, since a portion of the road is within the county, but not in the City.

REVIEW INVESTIGATIVE REPORT OF GENERAL CONDITION OF DOWNTOWN AWNINGS

The City Council has discussed the status of the canopies/awnings downtown. The canopies were identified for removal in the 1999 and 2004 downtown plans. As the City was preparing for the Franklin Street project, the first section of canopies/awnings that were to be addressed was that section on Franklin Street between McPherson and Washington. The City received mixed responses from the property owners, the Kirksville Arts Association expired their desire to have the canopy/awning removed. The balance of the property owners within the project area met as a group, and expressed desire to retain the canopies/awnings and to repair and fix the existing structures.

Current City Ordinances, a copy of which is included in this document, outlines the allowances that the City has given to the property owners. There are no provisions in the Ordinance that allows the City to remove them permanently. It explains the removal if the canopies/awnings are found to be in disrepair and the owner does not take responsibility to fix the problem. It was determined at a previous Study Session that the City needed to know what the condition of the canopies/awnings was before any further course of action was decided. The City hired a firm, Allstate Consultants out of Columbia to inspect the structures. The company set the date for the inspection and the property owners were notified of the inspection.

The inspection report was faxed to the City at the end of last week. A copy of the entire report is attached to this Study Session Packet. The most important finding from the report questions the connection of the canopy/awning to the building itself. Included with this cover report is an outline from Code Administrator Brad Selby outlining the findings of this inspection.

It will be important to communicate to each of the property owners the improvements and repairs that they will need to make. As noted current Ordinance, requires the property owners to maintain the canopies/awnings. It is recommended that the Council appoint a committee to determine 1) Whether or not the City Council should pass an ordinance that would allow for the implementation of the downtown plan and remove the existing structures and adopt design standards that would only allow the installation of structures to meet the "Old Towne" atmosphere; 2) If the current structures stay, an expectation of what should happen when and if the City needs to make improvements and what should happen if the existing structures become obsolete; 3) If the current structures stay, should those property owners who wish to remove their structure be required to retain it or allowed to remove their structure without approval from their neighbors and what is the City's role in

seeing that the work of removal is completed in a workmanlike fashion; 4) What is the relationship between the existing structures and the sidewalk plans – how will future sidewalk enhancements affect these structures? And if they do, what are the requirements for removal; and 5) Would there be any financial support that could be made available to the downtown property owners to assist in the improvements, removal or upgrade of the canopies depending upon the recommendations and the Council’s decision.

The Committee with support from City staff would work on answering these and other questions in a report with recommendations due back to the City Council early spring to allow for work to be completed in 2008.

Recommended Action:

That the City Council review the report from Allstate Consultants and consider implementing a committee that would be responsible for evaluating the issues surrounding the canopy/awnings making a report and recommendations to the City Council by early spring. It is further recommended that a member of the City Council serve as the chair of the committee.

DISCUSS COMPENSATION FOR CITY COUNCIL MEMBERS

At the 2008 budget meeting, the issue of City Council salaries was raised. Mayor Rowe was interested in exploring an increase in the annual pay, currently set at \$100 per year. Rowe expressed concern that more people needed to run and that increasing the pay would help to offset costs associated with being on the Council. One specific concern expressed regarding an increase was the importance of having people who are community minded as opposed to someone who is looking for additional compensation. Another concern was using the funds to pay employee wages as opposed to City Council. The City Council left the meeting requesting that the salaries be raised from \$100 per year to \$1,200 per year or \$100 per month.

Mayor Pro Tem McCord raised the question again about the need to increase the pay. Though she was not able to attend the last City Council meeting, her concerns were mentioned to the rest of the Council. It was decided that the Council would review this issue again and make a decision prior to the adoption of the 2008 budget.

Salary information was obtained from the Missouri Municipal League. Listed are the salary amounts for those cities that have been used when comparing employee salaries. Gary Markenson with the Missouri Municipal League noted that several of the larger cities do not compensate their council members, and stated that providing money will not be a guarantee that you will have qualified quality City Council candidates. The full survey is enclosed with the Study Session Packet.

<u>City</u>	<u>Class</u>	<u>Min. Rate</u>	<u>Max. Rate</u>
Maryville	3 rd Class	\$100/Yr	\$100/YR
Mexico	3 rd Class	\$1.00/Yr	\$1.00/Yr
Moberly	3 rd Class	\$0/Yr	\$0/Yr
Rolla	3 rd Class	\$1,800/Yr	\$1,800/Yr
Sedalia	3 rd Class	\$4,800/Yr	\$4,800/Yr
Warrensburg	3 rd Class	\$1.00/HR	No Rate Stated

Recommended Action:

The City Council will need to determine if it is important to compensate Council Members for their time. One issue that you might consider is whether to reimburse for meals and events when the City Council members are invited as members of the Council up to a certain dollar amount.

NEWSLETTER REVIEW – December 7, 2007

Attachments

Letter to MoDOT – pgs. 5 - 6

Memorandum from Brad Selby, Codes Administrator – pg. 7

City Code regarding Canopies – pgs. 8 - 9

Enclosures

Economic Development Sales Tax Ordinance

Allstate Consultants Investigative Report

Full Salary Survey from MML

Newsletter

November 16, 2007

Mr. Dan Niec, District Engineer
District Two – North Central District
P.O. Box 8
Macon, MO 63552

RE: Highway 63 Alternate Route

Dear Dan:

The City Council appreciates the opportunity that you have presented to our community by submitting the Highway 63 Alternate Route project as a viable project for consideration in the State's Transportation Improvement Plan.

The City is aware of the funding challenges that MoDOT will face with stagnant revenues and increasing construction, maintenance and fuel costs. We also understand and welcome opportunities to maximize our resources and partner with others to accomplish projects that are deemed important by our citizens. It is our fortune that MoDOT Officials have successfully managed Amendment 3 funds, generating additional revenues making it possible to include other worthy construction projects.

The City Council voted to support the Highway 63 Alternate Route and in doing so sends this letter encouraging approval and support through the selection process. Our support is contingent upon the approval of any tax or bond issue placed before our voters. As you know, our citizens have shown overwhelming support for worthy projects like our four-lane of Highway 63 between Kirksville and Macon. Due to your timeline, we are willing to place the item before our citizens as early as April 8, 2008.

Our commitment to this project would include financial support equal to 25% of the project, estimated at \$7 million. We would also partner to educate our citizens about the project and its benefits to our community. We would expect, as a partner that we have the opportunity and ability to actively participate in the planning process for this project to meet identified local needs.

The City Council would also like to emphasize that the Highway 63 Alternate Route is being proposed due to the traffic volume and the number of accidents that occur on this stretch of roadway. Our project would be a worthy component of the Smoother, Safer, and Sooner initiative outlined for Amendment 3 monies.

Kirksville has been a leader in identifying innovative approaches to funding highway projects. We have shown how these approaches are successful and benefit all involved. We ask that our previous

efforts be rewarded with favorable support, and are confident that the merits of the Highway 63 Alternate Route warrants strong consideration.

We look forward to working with you and your staff in the North Central District.

Sincerely,

Martha Rowe
Mayor

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Downtown Canopy Inspection Results from Allstate Consultants

STUDY SESSION MEETING DATE: December 11, 2007

CITY DEPARTMENT: Codes

PREPARED BY: Brad Selby

Allstate Consultants has completed their inspection and report on the condition of the downtown canopies, that was requested by the City.

Their report conclusion summary identified some specific areas that need repair, and also some overall recommendations:

Specific areas:

- 1) All bent support columns and deflected support beams should be replaced/repared.
- 2) The awning at 122 W. Harrison St. (Hensley's) is not supported with a beam at the eaves and should be repaired.
- 3) All bent roof panels should also be replaced.
- 4) Awning at 108 and 110 S. Elson, Manhattan and T.P.'s, has been hit and should have any bent components replaced or repaired.
- 5) 124 N. Franklin, China Palace, has a separation from the building that must be addressed immediately. (Owner has been contacted 12-7-07.)
- 6) Eleven (11) locations had problems that "should be repaired as soon as reasonably possible". One of these 11 has been recently repaired.

Overall:

- 1) The weak point and the main concern of the canopy structure is the attachment to the building. Some of these attachment points were not visible. The ones that were visible appeared to be inadequate. Boards are rotting and fasteners are pulling out of the wall. All awnings should have the flashing removed and the connections inspected for proper attachment. *My comment: This will likely require the replacement of the nailing strip board and all attachment screws.*
- 2) After repairs, the wall connections should be properly flashed to prevent moisture from leaking down to the connections.

DIVISION 3. CANOPIES REFER TO SHADED AREAS

Sec. 21-161. "Downtown business district" defined.

The "downtown business district" for the purposes of this division shall be defined as that area commencing at the public square, and including the same, and extending two (2) blocks east, south, west and north from such square.

(Code 1974, § 21-25)

Sec. 21-162. Construction authorized in downtown business district.

Sidewalk canopies, as specified in this division, are authorized to be constructed, erected and installed in the downtown business district of the city, after obtaining all required permits.

(Code 1974, § 21-26)

Sec. 21-163. Upright support requirements.

The sidewalk canopy upright supports, authorized to be erected under this division, shall have a minimum exposed height of ten (10) feet and be placed two (2) feet from the outside sidewalk curb. Such supports shall be spaced not more than twenty-four (24) feet apart, commencing two (2) feet from the corner of the block.

(Code 1974, § 21-28)

Sec. 21-164. Roof overhang; reducing width of sidewalk.

The roof overhang of the sidewalk canopies authorized to be erected under this article shall not extend beyond the outside curb of the sidewalk proposed to be covered. In the event the city should find it necessary to reduce the width of the sidewalk in the future for the general safety of the public and a smoother flow of traffic on the adjacent street thereto, then the roof overhang of the canopies so erected shall be required to be shortened, to extend only to the curb, and the upright supports relocated two (2) feet from the curb, at no expense or cost to the city.

(Code 1974, § 21-29)

Sec. 21-165. Drainage from canopies.

Any drainage, rainwater, melted snow, etc., collected on the sidewalk canopies shall be disposed of in a safe manner. The design and operation of drains, etc., shall be the responsibility of the adjacent landowner and liability shall be in accordance with section 21-167.

(Code 1974, § 21-30)

Sec. 21-166. Responsibility for maintenance of canopies; repairs by city.

The maintenance and repairs of all canopies erected under the provisions of this division shall be the sole responsibility of the owners of the adjacent buildings. On failure by the owner of an adjacent building to maintain and repair the canopy fronting his building, the city shall have the right to have the same maintained or repaired, and the costs incurred therefor shall be assessed to the building owner and the same shall constitute a lien on the adjacent real estate until the city has been reimbursed the cost incurred thereon.

(Code 1974, § 21-31)

Sec. 21-167. Liability for damages, etc.

Any and all accidents, injuries or other damages, created or caused by the sidewalk canopies authorized by this article to passing pedestrians or motorists shall be the sole liability of the adjacent building owner, and the city is absolved of all liability therefor, except, for any negligent acts on the

city's part in maintaining the adjacent street which results in unknown hazards to the building owner.
(Code 1974, § 21-32)