

# **KIRKSVILLE CITY COUNCIL**

## ***NEWSLETTER . . .***

Mari E. Macomber, City Manager  
October 1, 2010

### **SUBJECTS:**

**DATES TO REMEMBER  
COUNCIL MEETING OCTOBER 4  
VICIOUS ANIMAL PUBLIC MEETING  
COUNCIL PARTNERSHIP MEETINGS  
COUNCIL INFORMATION  
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CGI COMMUNITY VIDEOS  
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HOUSING REHAB PROGRAM  
DOWNTOWN WATER TOWER  
USE OF CITY PROPERTY  
PROPOSED CELL TOWER  
WATERSHED CLEANUP  
FOREST LLEWELLYN CEMETERY  
TGIF SERIES  
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AIR SERVICE MARKETING GRANT  
TCRC UPDATE  
RETAIL BUSINESSES  
SUBDIVISION MARKERS  
ATSU SERVICE PROJECT  
NORTH PARK AGREEMENT  
NAVIGATION RALLY  
SIDEWALKS AND BUSINESS SALES**

### **DATES TO REMEMBER**

10/4 to 8 – Brush and Limb Pickup  
10/4 – Council Study Session @ 4:30 pm  
10/4 - City Council Meeting @ 6 pm  
10/5 – Chamber Governmental Affairs @ 7:30 am  
10/5 – LPRC and ATC @ noon  
10/5 – KDIC @ Chamber of Commerce @ 5:30 pm  
10/6 – MHTC Meeting in Trenton – City Manager attending

10/6 - KHPC Meeting @ 4 pm

10/11 – Red, White and Blue event at Southside Baptist Church @ 7:00pm

10/13 – NO P&Z

10/15 – TGIF - State of Education @ 8:00 am

### **COUNCIL MEETING OCTOBER 4**

The Council will have the privilege to recognize and pay tribute to the legacy of Sergeant Maggart. We are honored to have Brandon's mother, Beth, and his sister Ashley who will be in attendance to accept a Proclamation. A message of invitation was issued to his father. Sergeant Maggart's wife is unable to attend, as she lives in the State of Washington.

### **VICIOUS ANIMAL PUBLIC MEETING**

The City Council discussed holding a meeting to obtain public input from individuals on the proposed vicious animal ordinance. The last date discussed by the City Council on October 18. The Adair County Annex is available on the evening of October 18 at 7:00 pm. This should give the City Council sufficient time to complete the Council meeting, and make their way to the annex. Mayor Kuhns and I briefly discussed having the meeting on a different date. Having the public meeting on the 18<sup>th</sup> at 7:00 pm will make for a long evening for the Council members, but would eliminate the need to attend another meeting on a different date. The meeting concept would be a brief introduction by the Mayor on why the Council is considering the ordinance followed by instructions to the attendees on how to address the City Council. The instructions will be something like this - "The City Council is interested in your comments and questions. Each person will have 2 minutes to make their comment. Questions regarding how the ordinance will work or specific criteria found within the draft ordinance will be addressed at the meeting. All other questions will be written down by City staff and discussed by the Council prior to the Council's consideration of the ordinance." City staff would be present to assist with responding to the implementation of the ordinance. We will have note cards available for individuals who do not wish to come forward with comments or questions, as we did with several of our other public meetings. Press releases on the purpose and logistics will be issued starting this week. We will use our other sources – text caster, Nixle, website posting to communicate information to the public, along with posting the ordinance. We have met with City Attorney Hickman, who has requested several changes to the document to improve ordinance enforcement. Once we have this ordinance it will be posted.

### **COUNCIL PARTNERSHIP MEETINGS**

The County Commission has given us the date of Tuesday, October 19 at 4:30 pm for the next City/County meeting. The next meeting with the Kirksville RIII School Board will be Tuesday, October 26 from 5:00 pm to 6:00 pm at the School District Board of Education Building. Vickie Brumbaugh is also in the process of working on a meeting schedule that would expand your partnership meetings to include the local industries and major employers. In some cases, the meeting may include a tour of the partner's facility. With the addition of the industries, we will reduce the partner meetings with the County, Truman, ATSU and Kirksville RIII to a minimum of one with open opportunity to meet on special needs and interests as they arise.

### **COUNCIL INFORMATION**

Included with your packet of materials is the most recent financial statement. Also included is a draft of City Goals for 2011 based upon the response from the City Council. There is also a copy of the proposed North Park Agreement with the School District, an article on how at least one city is dealing with the decline in the economy and a new Business Resource Guide for

small business that was developed by City staff. Sarah Halstead did the lions work of this project.

## **WATER QUALITY LETTER TO CITIZENS**

The letter explaining the chlorine dioxide and chlorite levels on August 16 was sent out this week with the water bills. A copy of the letter is included with this Newsletter and should have been included with your water bills. You may be asked questions regarding this. I did receive a telephone call from the City Manager in LaPlata, who receives there water ultimately from the City through the Adair County Public Water Supply District. He stated that DNR had told them to flush their line in mid September because of this spike and was asking the City to give them a credit. He has been advised to send the documents received from DNR on this and we will evaluate the request.

## **CITY LAND**

Ken Read is no longer interested in purchasing the land north of Emmett Street and immediately adjacent to his property. He was under the impression that when the City purchased the land that there was a clause stating that no one but Ken could build houses on the land. The language stated the City could not develop the land south of Emmett and did not refer to anyone else being prohibited. This in essence was going to make the land more valuable, and he decided he had no interest.

## **STORM WATER FUNDING**

We are exploring all options regarding the storm water improvements. We met with MoDOT and have an opportunity to apply for an enhancement grant that includes storm drainage improvements as an eligible project. We are also exploring the submission of the Lincoln Square Project as a project through the State of Missouri's Cost Share program. The Funds would not be available for several years, but if the City's application were funded, the City could consider borrowing the funds or just wait for that project's funding to become available. A last option would be to use the City's FAU funds that are retained by MoDOT and have to be used on eligible projects. At present, we have a negative balance as we used our funds to complete Osteopathy improvements. MoDOT is checking to see if the City can borrow against those future revenues.

## **BRUSH AND LIMB PICKUP**

The street maintenance division will begin picking up tree limbs and large brush on Monday, October 4th. This scheduled time is for ALL areas of Kirksville. Limbs must be set curbside by this date and time. The fall brush and limb pick-up will continue throughout the week of October 4th but all limbs must be curbside by 7 am on Monday, October 4th. Bagged leaves and other bagged yard waste can be disposed of in the yard waste roll-off container at the public works building, located at 2001 N. Osteopathy, Monday - Friday from 7am - 4pm. For information about curbside yard waste collection, please contact Veolia ES Solid Waste Midwest LLC at 800-778-7652.

## **CONSTRUCTION UPDATES**

With all of the road construction going on, some residents are expressing concern. The City started the Jamison Street project in July and did so knowing the planned road closures of MoDOT for Highways 6 and 11 and Patterson Street. The original plan of MoDOT called for Highway 11 to be closed right after the NEMO Fair. This did not happen. Jamison Street has remained open with the exception of two very brief periods (2 hours) on two dates to place

tubes across the roadway. On both of those dates, the City issued press releases and stationed employees at either end of the road cut to direct traffic. Route 11 was closed this week. A portion of Lincoln Street has also been closed at part of the Alternate Route project. The contractor has placed barricades with road closed signs just north of the drive to the Town and Country lift station, and just north of the excavated area. The barricades were separated by enough space to permit vehicles to pass thru. There were no other signs on Lincoln to alert drivers that the road was closed until you got to the barricades. Public Works Director John Buckwalter will be checking with MoDOT about additional signage. Jamison is progressing with the expectation that the curb and gutter and driveway work will be completed within the next two weeks and the asphalt will follow. The contractor has until November 12 to complete this project. MoDOT is planning a Community Briefing meeting on October 27 at the Middle School Cafeteria from 4 pm to 6 pm. This will be an open house format to give citizens the opportunity to be updated on the progress and status of the Alternate Route project and what to expect in 2011.

### **WAYFINDING UPDATE**

The posts have been set and the decorative sleeves have been placed. The signs will be installed in the near future. Signs were placed in the various parking lots to show they were public parking.

### **KDIC EXECUTIVE DIRECTOR**

The KDIC search committee is moving forward. Pat Meredith did advertise as directed and had intended to screen the applications to send only those individuals who met the minimum requirements. The Committee decided that they wanted to review all of the applications. The Committee is in the process of scheduling interviews.

### **CGI COMMUNITY VIDEOS**

The City has been working with a company called CGI, who will produce a community video which will be housed on our website. This company produced a video for us several years ago. The premise is that they provide a quality video for us that we use to talk to visitors to our website about our community. In return, they are given permission to solicit advertising from local vendors. The video was shot last week.

### **RED, WHITE & BLUE SERVICE DAY**

In past years, the local Southside Baptist Church has held Red, White and Blue Sunday during the month of October to recognize police officers, firefighters and emergency medical personnel for their services. The Church decided this year to hold this service on the evening of Monday, October 11, at 7:00 p.m. in a tent beside the Church at 1010 West Burton. A Proclamation has been presented each year, and a Proclamation is ready for presentation on the upcoming evening.

### **SURPLUS PROPERTY BIDDING**

You have already received notice of a surplus property bid invitation. This Notice appeared in last Sunday's Daily Express, and is on the City's web site. Sealed bids are being taken until Tuesday, October 12. Computers that were not purchased by City employees are on the list, along with a mower, bleachers, street light poles and pavers from the downtown.

### **HOUSING REHAB PROGRAM**

The work has been completed on the housing rehabilitation program guidelines. The guidelines are based largely on those that were used by the State of Missouri for its Community Development Block Grant program. The City had received two housing rehab grants from the state. The first grant was for any individual who was income eligible within a particular neighborhood of the City. The second was for seniors, age 62 and older, who were income eligible. The location of their home did not matter, so long as it was within the boundaries of the city limits. The program that we plan to use will be for anyone who is income eligible, and does not limit their ability to participate by age or location. See attached guidelines.

## **DOWNTOWN WATER TOWER**

The City Council needs to be aware that the contractor, who was selected to complete the work on the downtown tower, had hired sub-contractors to complete the decal work. The subcontractors walked off the job without finishing the work. The subcontractors delivered the ATSU stencil back to the University, and left the site. We have been in contact with the contractor, who was not aware that the subcontractor had done this. The contractor has sent personnel from their shop here to finish the work. With the subcontractor walking off the job, this meant that the water tower did not get painted by Founder's Day. An apology was extended to Dr. Magruder and ATSU.

## **USE OF CITY PROPERTY**

During the Council Retreat, the Council was made aware of the issue regarding whether the City should assume more liability for special events, organized recreational activities, and use of City facilities beyond their intended purpose for example using the roadways for organized runs. A letter was sent to ATSU, who has used the City's parks for several years to run various intramural programs for their students. As explained to the City Council, ATSU has been allowed to use the open field at PC Mills for flag football for this year and has to provide liability waivers. ATSU's Vice President for Students and Alumni Affairs, Ron Gaber suggested that the Council establish a commission to explore this issue. At the direction of the City Council, the Lakes, Parks and Recreation Commission will begin discussing this issue at their upcoming meeting. Mr. Gaber was pleased upon hearing this and noted the long term relationship between the City, the Rotary Club and Rotary Park. There is a vacancy on LPRC, which the Council discussed filling with Councilmember Rowe once her term ended in April. If the Council were interested you could consider a member of the Rotary Club to serve and represent this club's Rotary Park interest.

## **PROPOSED CELL TOWER**

There was a recent notice in the paper asking for input on a proposed cell tower location within the city limits of Kirksville. The location is 413 W. Harrison Street, which is land immediately east of Forest Llewellyn Cemetery. We have sent a letter of objection to this location due to its location of this historic site. The City had discussed establishing a cell tower ordinance. An ordinance was developed and modeled after the City of Blue Springs, but was shelved due in part to some of the technical requirements and standards and our ability to implement and understand these requirements. I ask that the City Council read the enclosed letter and discuss whether or not this is your position. City staff, at a minimum should evaluate or ordinances to determine if there is something else we should propose to the ordinances that would at least give some evaluation and oversight on large stand alone structures, such as cell towers.

## **WATERSHED CLEANUP**

Members of the Interfraternity Council, Truman State University, held a watershed cleanup event as part of their annual rush event. The idea of the Council was to hold a service event that

would allow potential fraternity members the opportunity to have casual interaction, one on one with current fraternity members. The group picked up trash along several roadways located within the Forest Lake Watershed. City staff picked up the trash, which was located outside the City in the County. Watershed Chairman Clayton Dillavou sent a letter of appreciation to the Council.

### **FOREST LLEWELLYN CEMETERY**

Vickie Brumbaugh has been working with various contacts to try and obtain a grave marker to replace the current marker at Jess Kirk's gravesite. She has been in contact with a new Veteran's Administration representative, who is willing to work with us and has agreed to send the paperwork we have through the process.

### **TGIF SERIES**

The Governmental Affairs Committee of the Kirksville Area Chamber of Commerce will once again be sponsoring their "TGIF – The Government in Focus" series for 2010-2011. The Governmental Affairs Committee began these forums called "TGIF - The Government in Focus" to address their mission to facilitate communications between government representatives and the taxpaying public. The first three events of this six part series have been scheduled as follows: October 15, 2010 – The State of Education, November 19, 2010 – The State of the Judiciary, and January 21, 2011- The State of the City. The first three events will be held at the Adair County Annex Building, 300 N. Franklin in Kirksville. These events are free of charge and refreshments will be served from 7:30 - 8 am and conclude no later than 9:15 am.

### **TRACTOR PURCHASE**

The following information was discussed with the City Council on September 20, and is being provided as back up information. The FY10 budget included \$13,700 in line 89-8910-7210 for the purchase of a Toro Infield Pro field groomer for use at North Park. We opened bids for this purchase on January 21<sup>st</sup> and all bids were well over the budgeted amount. The lowest bid was from Professional Turf Products for \$20,261.33. We had anticipated a trade-in value for the 1998 John Deere Model 870 utility tractor that we currently use at North Park but no vendors were willing to take the tractor in trade. We then attempted to sell the existing tractor outright to make up the additional shortfall in funds. We posted the tractor for sale twice and received no bids. After discussion with the Streets/Parks Maintenance Supervisor, who will be providing more oversight at North Park next year, we would like to consider purchasing a John Deere 2305 Tractor with attachments. The quote we received for this tractor was for \$17,724 and they would take our existing tractor in trade for a value of \$5,500 for a net cost of approximately \$12,500. This tractor is four-wheel drive and includes a mowing deck, loader, tiller and box blade. This tractor would be more versatile for the various applications we have at North Park than the field groomer. This would also give us an additional mower that could be used at North Park or our other park facilities. We are in the process of bidding for the tractor.

### **SAFE ROUTES TO SCHOOL**

In early 2008, the City applied for a Safe Routes to School Grant. Our focus for the grant was to improve pedestrian access to the Kirksville RIII School Campus. It was our understanding that the grant had not been funded. Until recently, when we learned that the grant had scored well and that some funds had become available making this grant viable. The grant was a combination of new sidewalk construction and replacement of existing sidewalk. New sidewalk was proposed for a portion of Patterson Street west of Cottage Grove (completed); new sidewalk north of McPherson on Cottage Grove (completed); Cottage Grove Place from Hamilton to LaHarpe; replacement on Normal Street from Baltimore to Ray Miller, and

replacement on Patterson from Baltimore to Cottage Grove. The grant required the support of both the City and the School District. The School District component was a pre-construction survey of the students to determine usage of existing sidewalks, followed by a post-construction survey to determine impact of new sidewalks on pedestrian access. The grant is a 100% grant for the construction and replacement of the sidewalk, provided the funds they have allocated will still cover the costs of the intended sidewalks. The City will complete the design work in-house to maximize the funds available for construction. The Kirksville RIII School District has requested a crosswalk on Hamilton Street for the Hamilton Meadows subdivision. This crosswalk is under review and would need City Council approval. We discussed the school's interest in this crosswalk with MoDOT. If the School is interested in this and willing to provide the connecting sidewalk on the school campus property to the crosswalk, the City could use the grant, provided there are sufficient funds to complete the crosswalk. This information has been communicated to the School District to determine if they are still interested in partnering with the City. We have been asked to update the cost of the project and submit this information in a letter back to the Missouri Department of Transportation.

### **MFH GRANT RECEIVED**

We received notification that the Missouri Foundation for Health on the Healthy & Active Communities team has awarded Kirksville the Strategies grant, which is scheduled to start in November of this year. There will be a grantee orientation on October 21. The grant award budget is totaling \$295,727. The budget includes outdoor construction which may or may not proceed as scheduled given the start date (11/01) at the on-set of winter. The grant agreement will be presented to the Council once we receive it.

### **AIR SERVICE MARKETING GRANT**

With the economy of the State of Missouri, we were under the impression that a grant that was received at the end of 2009 was not going to be a reality. We learned recently that the conversation concerning the grants was for the 2011 fiscal year and not 2010. We will be sending a letter to the State of Missouri Department of Transportation Aviation Division to request a six month extension. The grant was for \$81,000 and to be used for marketing. With our new air carrier, the extension actually will give us money to promote the new carrier. David Hall will be traveling to Washington DC later this month with representatives from Cape Air to meet with USDOT officials regarding the essential air service timelines and requirements.

### **TCRC UPDATE**

The TCRC is exploring the possibility of adding new courses; services and programs that they can develop that will benefit the community, and provide increased usage of the Center. Some of the things they are looking at include teaching people how to use the various social networking outlets like MySpace, Twitter and Linked-in. They are also looking at classes on EBay and Craig's List, establishing a technology user group, services for seniors and business. Beginning Spanish classes began in September and will continue into November. Donna Watson, Administrative Assistant at the TCRC has given her resignation, and will be moving to Iowa. The University has a hiring freeze, so the position will not be filled at this time, unless staff can show the necessity for the replacement.

### **RETAIL BUSINESSES**

A couple of new businesses have either opened or obtained recent business licenses. Babycakes, an in-home business, constructs diaper cakes for baby showers and towel cakes for

wedding showers. LOL T-Shirts & Gifts has opened its doors at 506 S. Baltimore. This is a t-shirt and gift shop.

### **SUBDIVISION MARKERS**

We were recently asked about when repairs would be made to the entryway of Lakeside Estates. When the tornado hit, it damaged the signage, lighting, and landscaping. We notified the developer, who informed us that he had plans to make the repairs soon. According to our ordinance, it is the responsibility of the developer to make the necessary repairs and maintain the property, which in theory works, so long as the developer lives forever. A couple of years ago, we were asked about another more mature subdivision sign. The sign was constructed out of brick and concrete and was deteriorating. It was quite a process to get the sign removed. We are looking into what needs to be done. We have language in an ordinance that states the developer or property is responsible for the maintenance, but it is hard to find. At a minimum, we are exploring the possibility of establishing stand alone standards, and want the Council to consider whether or not we should require the developer, when they wish to have a development marker placed that the developer provide a perpetual maintenance fund, or some other assurance for future maintenance. There are other locations within the City besides Lakeside Estates. For example Kings Ridge and two brick entryways with concrete lions sitting on each side and South Pointe has a landscaped entryway. We will bring something back to the City Council to consider.

### **ATSU SERVICE PROJECT**

Sigma Sigma Phi, the national honorary osteopathic service fraternity is in the pre-planning stages on implementing a Disaster Preparedness and Awareness Day. The group recognized the impressive community response after the May 13, 2009 tornado. This fraternity recognizes that we were fortunate in terms of the number of casualties that were suffered, noting that the triage capabilities of Northeast Regional Medical Center and emergency response teams did not need to be exercised to their full extent. The goal of a Disaster Preparedness and Awareness Day is to combine all of these individual organizations to test the effectiveness in a mass casualty scenario with a civilian component; something not commonly found in daily training. The Disaster Preparedness and Awareness Day is designed to prepare for the coordinated actions that the hospital, emergency services and the community would take in practice, not just in theory, and provide an educational opportunity for KCOM students and the community at large. The proposed date for Disaster Preparedness and Awareness Day is March 26, 2011. Fraternity representatives have met with the Dean of Education Development and Services, Dr. Stephen Laird, and have spoken with the other Deans of KCOM, all of whom are in support of this project. They intend to hold the event in the student parking lot at KCOM. They have already made contact with KCOM, NRMC, the County Health Department, Kirksville Fire Department, Adair County Ambulance District, Kirksville Police Department, the National Guard, Red Cross, and Truman Theater Department. The fraternity is seeking support of the Kirksville City Council, and may attend the Council meeting on Monday to propose the project and answer any questions of the City Council.

### **NORTH PARK AGREEMENT**

The City and Kirksville RIII have been working together to complete an agreement that meets both organizations needs as it relates to the North Park fields. The agreement calls for the School District to pay an annual assessment of \$6,000 per year over the course of the five year term of this agreement. The previous agreement did not include an annual assessment. The parties will work together on capital items, and the City will have access to the school facilities for programming should we need it. It is planned to bring this Agreement to the School Board on

October 12 and then to the Council on the 18<sup>th</sup> of October. A copy of the proposed agreement is included in your packet.

## **NAVIGATION RALLY**

The Adair County Historical Society is hosting its first Navigation Rally to area historic places. The Rally will start from downtown Kirksville on Saturday, October 9 and can accommodate up to 40 cars. A “navigation rally” is like a treasure hunt. Participants are given directions to follow to an historic site where the participants are then required to find answers to several questions. Along the way the participants are given sets of directions that take you to other sites. Interested individuals can find the application forms at [www.adairchs.org](http://www.adairchs.org), the Historical Society’s website. Or, you can come to the Historical Society Museum at 211 South Elson Street at 1:30 p.m. to fill out the application and waiver forms just before the event. The first car will be start at 2:00 p.m. This is a creative way to promote our historical sites and to raise a small amount of funds for the organization; however, they are going to use the entry fee in essence as a membership fee, which is also clever.

## **SIDEWALKS AND BUSINESS SALES**

This past week there was some discussion concerning the use of sidewalks and the ability of businesses to use the sidewalks downtown to sell their wares. With the Red Barn event that was authorized by the City Council, we had a local business who wanted to set up a table next to the Red Barn booths and sell items. Businesses are licensed for certain locations. There are specific ordinances that prohibit individuals from setting up on the sidewalk to sell. The Special Events Application and process is one way that organizations are given permission.

Except as specifically provided in this chapter, it shall be unlawful to block, cause to be blocked, closed or in any **way obstructed in such a fashion as to prevent the free and full use of city rights-of-way, streets, alleys, boulevards, sidewalks and thoroughfares, without first obtaining the permission of the city.** This section shall not be construed to prevent persons from receiving and passing along, over and across such streets and rights-of-way any article or thing which may be necessary to so pass in the prosecution of their business when the same is done in a manner that will interfere with the full and free use of such street and right-of-way as little as may be necessary; provided further, that in any event, no obstructions shall be permitted to remain on city streets and rights-of-way longer than twenty-four (24) hours without first obtaining the permission of the city.

We currently allow the restaurants downtown to place tables outside on the sidewalk. The restaurants are not selling at the tables. There are also businesses that place their wares out on the sidewalk, again they are not selling. When the downtown would hold sidewalk sales, they were required to obtain permission first, as outlined by the ordinances. Individuals would not be given permission to use the sidewalks to sell their goods. The individual who expressed concern over not being allowed to sell on the sidewalk stated that the downtown business owners should be allowed to sell outside on the sidewalk and take advantage of these special events, since the street closures are limiting access to their businesses. This seems like an issue the KDIC should explore and then discuss with the City.

### **Attachments**

- Budget Calendar
- General Fund One Cent Sales Tax
- Economic Development Sales Tax
- Building Permits for September

Letter to Citizens – Water Quality  
Housing Rehab Program  
Letter to ATSU Regarding Liability  
Letter from ATSU Regarding Liability  
Letter of Objection to Cell Tower Location  
Picture from Cleanup Event  
MML Conference Report – Councilmember Chrisman  
George and Blanche Laughlin House 706 S. Halliburton  
Kirksville Arts Summary – Friday Night Concerts on the Square  
Farewell Note from AirChoice One  
Letter of Support to ATSU – Campus Wellbeing Consortium  
Kirksville Arts Association Concerts on the Square Report  
Humane Society Report  
MML Article on Blogging and First Amendment Rights

#### Enclosures

Financial Statement  
Kirksville RIII North Park Agreement  
Business Resource Guide

# BUDGET CALENDAR FOR FY 2011

(REV 8/18/2010)

August 31	Budget templates distributed to departments.
September 10	Upcoming year revenue projections and items for Council retreat due: <ul style="list-style-type: none"><li>• Status of FY 2010 budget goals</li><li>• General Fund revenue projections</li><li>• Utility Fund revenue projections</li><li>• Multi-year capital plans: streets; utilities; rolling stock; CIST-building maintenance, computers, radios, Airport, parks, etc.</li><li>• City Council goals for FY 2011</li><li>• Financial policies and practices</li></ul>
<b>September 20</b>	City Council retreat ( <b>4 p.m.-8 p.m. and September 21 if necessary</b> )
<b>September 22</b>	Review results of Council retreat and performance measurements with department heads.
September 24	Central Garage budget proposal* due to City Manager.
September 27	City Manager budget review meeting with Central Garage.
October 4	All other Fund/departmental budget proposals* due to City Manager.
October 11-19	City Manager budget review meetings with departments and follow-up meetings as necessary.
<b>November 8-9</b>	Preliminary budget submittal to City Council <b>and City Council review of budget.</b>
November 24- December 20	Preliminary budget available on website and in Administration for public inspection.
December 6	Public hearing on FY 2011 budget and first reading. Adoption of FY 2010 amendment ordinance.
December 20	City Council adoption of FY 2011 budget.
January 1	New year begins.
January 31	FY 2011 budget document distributed.

**SALES TAX COLLECTIONS BY YEAR**  
**One-Cent General Sales Tax**

	2006	2007	2008	2009	2010	2010 YTD Growth/-Loss Comparison to			
						2009	2008	2007	2006
<b>January</b>	185,123.44	201,467.60	180,902.81	209,464.69	222,488.00	6.22%	22.99%	10.43%	20.18%
<b>February</b>	96,634.04	181,920.03	204,890.74	204,920.17	153,163.14	-25.26%	-25.25%	-15.81%	58.50%
<b>March</b>	322,180.50	261,636.75	241,502.73	266,740.40	259,347.52	-2.77%	7.39%	-0.87%	-19.50%
<b>April</b>	214,395.10	208,545.59	219,903.17	195,734.29	200,778.78	2.58%	-8.70%	-3.72%	-6.35%
<b>May</b>	42,975.59	78,334.89	132,002.16	147,892.81	156,669.64	5.93%	18.69%	100.00%	264.55%
<b>June</b>	332,297.08	325,352.21	253,028.44	246,130.84	232,500.31	-5.54%	-8.11%	-28.54%	-30.03%
<b>July</b>	219,132.32	284,843.75	220,972.61	216,847.11	233,120.21	7.50%	5.50%	-18.16%	6.38%
<b>August</b>	84,424.76	90,815.59	148,541.83	142,964.71	143,943.57	0.68%	-3.10%	58.50%	70.50%
<b>September</b>	313,225.26	339,353.59	279,431.55	279,236.50	265,660.28	-4.86%	-4.93%	-21.72%	-15.19%
<b>October</b>	212,575.62	198,332.97	222,179.31	203,838.29					
<b>November</b>	71,710.31	104,648.03	140,078.56	146,129.55					
<b>December</b>	309,706.14	315,420.19	235,788.79	237,555.14					
<b>TOTAL</b>	\$2,404,380.16	\$2,590,671.19	\$2,479,222.70	\$2,497,454.50	\$1,867,671.45	-2.21%	-0.72%	-5.30%	3.16%

**SALES TAX COLLECTIONS BY FISCAL YEAR**  
Economic Development 1/2-Cent Sales Tax

	FY 06/07	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 10/11 YTD Growth/-Loss Comparison to			
						09/10	08/09	07/08	06/07
July	105,837.34	103,941.50	105,049.44	103,701.31	113,459.81	9.41%	8.01%	9.16%	7.20%
August	37,320.93	42,598.44	73,007.59	70,605.96	71,562.71	1.36%	-1.98%	67.99%	91.75%
September	153,501.37	165,201.54	134,460.71	134,027.00	125,457.62	-6.39%	-6.70%	-24.06%	-18.27%
October	102,228.87	95,388.40	107,711.01	96,360.14					
November	33,072.83	50,588.52	68,385.21	71,667.19					
December	152,260.52	153,517.60	113,078.49	113,685.10					
January	95,768.27	85,601.77	100,602.46	107,619.38					
February	88,142.86	98,828.11	97,351.19	74,051.55					
March	123,130.33	113,937.61	122,232.45	120,629.29					
April	100,218.21	100,131.60	90,946.94	94,738.04					
May	35,223.02	64,680.35	70,542.11	75,660.91					
June	154,990.37	120,202.33	119,106.87	111,043.36					
<b>TOTAL</b>	<b>\$1,181,694.92</b>	<b>\$1,194,617.77</b>	<b>\$1,202,474.47</b>	<b>\$1,173,789.23</b>	<b>\$310,480.14</b>	<b>0.70%</b>	<b>-0.65%</b>	<b>-0.40%</b>	<b>4.66%</b>

**SALES TAX COLLECTIONS BY FISCAL YEAR**  
Economic Development 1/2-Cent Sales Tax and Interest

	FY 09/10		
	Budget	Actual	Variance Growth/(Loss)
July	104,495.00	103,701.31	(793.69)
August	58,591.00	70,605.96	12,014.96
September	149,831.00	134,027.00	(15,804.00)
October	101,550.00	96,360.14	(5,189.86)
November	59,487.00	71,667.19	12,180.19
December	133,298.00	113,685.10	(19,612.90)
January	93,102.00	107,619.38	14,517.38
February	98,814.00	74,051.55	(24,762.45)
March	118,085.00	120,629.29	2,544.29
April	95,539.00	94,738.04	(800.96)
May	65,003.00	75,660.91	10,657.91
June	120,804.00	111,043.36	(9,760.64)
<b>TOTAL</b>	<b>\$1,198,599.00</b>	<b>\$1,173,789.23</b>	<b>(24,809.77)</b>

	FY 10/11		
	Budget	Actual	Variance Growth/(Loss)
July	97,136.36	113,459.81	16,323.45
August	54,464.96	71,562.71	17,097.75
September	139,279.75	125,457.62	(13,822.13)
October	94,398.75		
November	55,297.87		
December	123,911.02		
January	86,545.66		
February	91,855.42		
March	109,769.34		
April	88,811.05		
May	60,425.42		
June	112,296.40		
<b>TOTAL</b>	<b>\$1,114,192.00</b>	<b>\$310,480.14</b>	<b>19,599.07</b>

## BUILDING PERMITS – August and September

Date: September 8, 2010  
Owner: Woody's Tire  
Use: Addition – Commercial  
Address: 1102 N. Green  
Permit No.: 7324  
Const. Co.: Phillip & Turner Construction

Date: September 13, 2010  
Owner: Adair Co. Humane Society  
Use: Commercial  
Address: 22376 State Hwy 6  
Permit No.: 7328  
Const. Co.: Gordon & Motter Const.

Date: September 13, 2010  
Owner: Northeast Missouri Health Council  
Use: Commercial  
Address: 1416 Crown Drive  
Permit No.: 7331  
Const. Co.: Sparks Constructors

Date: September 14, 2010  
Owner: Larry Hays  
Use: Single-Family  
Address: #16 Meadow Brook Rd  
Permit No.: 7332  
Const. Co.: Self

Date: September 29, 2010  
Owner: Kraft Foods  
Use: Addition – Commercial  
Address: 2504 N. Industrial Road  
Permit No.: 7340  
Const. Co.: Huntsville Machine

Date: August 3, 2010  
Owner: Julie Smith  
Use: Addition – Residential  
Address: 2414 N. New  
Permit No.: 7309  
Const. Co.: Greg Howard Construction

Date: August 13, 2010  
Owner: Betty Clark  
Use: Single-Family  
Address: 809 Cleaver Drive  
Permit No.: 7311  
Const. Co.: John Boyer Construction

Date: August 25, 2010  
Owner: Shane Western  
Use: Garage  
Address: 1301 E. Patterson  
Permit No.: 7316  
Const. Co.: Self



Dear Kirksville Water Customer:

I am writing this letter to provide additional information regarding a recent violation of the maximum contaminant level (MCL) of chlorites in the City's public water system. On August 16, 2010 the level of chlorites exceeded the limits established by the Department of Natural Resources. As consumers of City water, you can be assured that we take our responsibility as the area's water producer very seriously, and work hard to insure that the quality of water that we produce meets all state and federal standards for safe drinking water. The enclosed "Drinking Water Public Notice" details the technical aspect of the violation, however I want to assure you, our customers, that this was a brief, one-time event.

The maximum contaminant level is established to protect you from long term exposure to chlorites. The level of Chlorites based on tests conducted on August 17<sup>th</sup> were above the level allowed, however they were below the lowest level at which adverse effects have been observed. Had the test results indicated an immediate health hazard to the public, the City and DNR would have immediately notified all customers, rather than relying on a published public notice.

The water treatment plant staff test for numerous contaminants, chemicals, and minerals in the raw water and finished water thorough the operating day. On August 16<sup>th</sup> the level of chlorites measured in the finished water leaving the plant exceeded the maximum contaminant level. When this occurs three samples must be collected from the system and analyzed. The required samples were taken on August 16<sup>th</sup>, and analysis confirmed that the level averaged 3.65 mg/l (or 3.65 parts per million). Test results at the plant have remained below the threshold level of 1.0 mg/l since that time. The water in the system was tested again on August 19<sup>th</sup>, and the laboratory results confirmed that the average level was 0.37 mg/l, well below the MCL.

Chlorites in the water system are an expected byproduct of chlorine dioxide. Chlorine Dioxide is used in the water treatment process as a disinfectant to kill microbes such as Cryptosporidium. It is also used to reduce the level of manganese in the finished water. Staff believes that the problem was caused by a malfunction of the Chlorine Dioxide generator or was the result of feeding chlorine dioxide at too high a rate for the level of manganese in the raw water. The City stopped using chlorine dioxide on August 16<sup>th</sup>, and will not resume using it until all system inspections and evaluations have been completed, and additional checks and improved procedures are in place.

Additional information about chlorine dioxide and chlorite is available in the enclosed public notice and at the City's web site [www.kirksvillecity.com](http://www.kirksvillecity.com) where a fact sheet provided by the US Department of Health and Human Services is posted. If you have questions or need additional information, please contact Jack Schuster or Brian Carter at the Water Treatment Plant, (660) 665-3720.

Sincerely,

Todd Kuhns  
Mayor

CITY OF KIRKSVILLE

HOUSING REHABILITATION PROGRAM GUIDELINES

PURPOSE

The Housing Rehabilitation Loan Program is designed for low and moderate income homeowners to address safety and public health code violations, as well as provide funds for necessary house repairs.

PROGRAM ASSISTANCE

Housing Rehabilitation: Program pays for 80-90% of housing rehabilitation costs, not to exceed Seven Thousand Five Hundred Dollars (\$7,500). Based upon the 2009 Income Guidelines, below, applicants with income levels at 50% or lower shall pay 10% of project costs; those with 80% or lower shall pay 20% of the costs, dependent upon the criteria below. This program is subject to funding availability.

ELIGIBILITY CRITERIA

1. Applicants must own and reside in the said property.
2. Applicants must provide a tax statement and have a title that is free of liens and legal questions as to ownership of the property.
3. The property must be a residential structure.
4. Applicants cannot owe back taxes on the property nor have outstanding adverse judgments, encumbrances or liens with the City of Kirksville for the duration of the loan.
5. All City obligations in applicant's name and/or for the rehabilitated property should be current at the time of application and for the duration of the loan – including, but not limited to, tax liens from code violations and utility bills.
6. Property will be eligible only if the owner signs an agreement to repay the full loan amount if the property rehabilitated is sold, rented, transferred or abandoned within five (5) years of the contract completion date.

Applicants must have adjusted gross income at or below 80% of the area median income (see chart below).

**2009 INCOME GUIDELINES (adjusted gross income)**

# PERSONS IN HOUSEHOLD	ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT OR MORE
30 %	10,050	11,500	12,900	14,350	15,500	16,650	17,800	18,950
50%	16,750	19,150	21,550	23,950	25,850	27,800	29,700	31,600
80%	26,800	30,650	34,450	38,300	41,350	44,450	47,500	50,550

PROGRAM REQUIREMENTS

Applicants will be required to complete an application provided by the City. The following Program guidelines also apply:

1. Program funds can be utilized for exterior and interior rehabilitation with an emphasis on meeting state and local fire, safety and building codes.
2. Applicant must provide proof that all property taxes are current on all property in applicant's name and the subject property is properly insured.
3. Applicant shall agree to comply with the Property Maintenance Code of the Kirksville, Missouri Code of Ordinances.

#### APPLICATION AND SELECTION PROCESS

1. This is a voluntary program. All interested persons must submit an application before any action can take place.
2. Applicants who qualify will be taken on a first-come, first-serve basis.
3. A complete house inspection will be made by the Codes and Planning Director and/or Codes Inspector. A work write-up will be prepared, as well as a cost estimate. All items on the work write-up, as well as other pertinent information, will be discussed with the owner and contractor before a contract is signed, and any allowable revisions may be made at that time.
4. If City staff determines an application for a loan cannot be approved, a written statement of the reasons for the determination will be sent to the applicant.

#### RIGHTS RESERVED

The City of Kirksville reserves the right to reject any and all applications up to the limit of closing. The specific Program policies and procedures herein are subject to revision or amendment by the City of Kirksville. The City may discontinue this Program at any time, subject to the availability of Program funding.

#### ADDITIONAL INFORMATION

1. This is a reimbursement-only loan payable directly to a pre-approved contractor and for approved work only.
2. Successive owner of property will be responsible for repayment of loan upon death of applicant.
3. Default in repayments under the Housing Rehabilitation Loan Program subject the applicant and/or successors to payment of outstanding loan balance within 60 days of default.
4. Contractor chosen to do rehabilitation work must be pre-approved by the Codes Department and hold a current City of Kirksville Business License as a contractor and/or plumber.
5. Payments will be made to contractor within 10 business days upon presentation of an invoice for services and verification of work performed.
6. Requests for payments to a non-approved contractor or for non-approved work will not be honored.



September 14, 2010

Mr. Ron Gaber  
Vice President/ Dean of Students  
800 W. Jefferson Street  
Kirksville, MO 63501

RE: Insurance Requirements and Campus Intramural Program

Dear Ron:

It had been my understanding through my staff that insurance would be provided adding the City as an additional insured and holding us harmless for the local KCOM campus intramural program. After several conversations between Dan Martin and Melanie Smith regarding flag football, it was obvious that the issue had not been resolved, or at a minimum there is a disagreement as to what is being requested by the City and what A.T. Still is willing to provide.

Obviously the property in question is owned by the City, and it is the responsibility of the City to minimize our liability. I also understand that the Thompson Campus Center is focused on providing entertaining recreational opportunities for their local students.

I understand the arguments on both sides of the issue. Mr. Martin believes that a waiver signed by the participant is sufficient coverage and holds the city harmless. Our insurance provider has encouraged us to obtain the additional coverage so that in the event there is an incident, we are protected.

The purpose of this letter is to address this year's expectations and what may result for next year. I appreciate all that AT Still University has done and will continue to do to promote Kirksville and contribute to the success of our community. I am willing to accept a waiver for each individual participant, signed by each participant for this upcoming flag football season, with the following understanding. The City Council will be discussing their tolerance for exposure later on this month as this exposure relates to a variety of special events. Once I have that direction, I will communicate back to you as to the City's expectations of special use of city owned land for groups and individuals. This conversation will give staff a clear direction on Council expectations. The expected waiver, which was originally provided by Dan is included with this letter.

We wish to continue our strong relationship and ask only that AT. Still University staff know and trust that we are doing what we believe to be in the best interest of all of our citizens.

Sincerely,

A handwritten signature in cursive script that reads "Mari".

Mari E. Macomber  
City Manager

Pc: Melanie Smith, Community Services Director  
Jeanie Ewing, Risk Manager, City of Kirksville  
Dan Martin, Thompson Campus Center, A.T. Still University

Enclosure

A.T. STILL UNIVERSITY | ATSU

Department of Student and Alumni Affairs  
660.626.2236

September 29, 2010

Todd Kuhns, Mayor  
Mari Macomber, Kirksville City Manager  
City Hall  
201 South Franklin Street  
Kirksville, MO 63501

Dear Todd and Mari:

I am in receipt of the September 14 letter confirming the arrangements for the flag football games ATSU students play on city fields. I certainly agree with your decision.

Also noted in the letter is that "the City Council will be discussing their tolerance for exposure later on this month as this exposure relates to a variety of special events." This is a very important discussion to the citizens of Kirksville and goes far beyond liability. Policy in this area defines and goes to the heart of the city's support for recreation, use of parks, commerce, wellness promotion etc. This issue is already being discussed by a variety of community groups. I sense some concern and possible frustration that current or future liability policies and their enforcement may be discouraging use of our public recreation facilities and parks.

I would suggest a diverse commission of citizens (users) and council members be appointed to study the concerns by city and citizens and serve in an advisory capacity to the council before changes, additions or deletions are considered in liability policy. This commission might include ATSU, Truman, RSVP, Kirksville Baseball Association, Rotary, city staff, Chamber of Commerce, Council members, etc. With this approach, I believe reasonable citizens and staff can expect better outcomes that address the significant need for recreation in Kirksville and the need to manage or accept risk in order to serve our citizens. Should you accept my recommendation, I will assure you ATSU will be happy to have representatives on the commission.

Cordially,



Ron Gaber, Ed.S.  
Vice President for Student and Alumni Affairs

Attachment: Mari Macomber Letter of September 14, 2010

wmp



September 28, 2010

Drew Cummins  
8275 Allison Pointe Trail, Suite 220  
Indianapolis, IN 46250

re: Comments on Proposed Cell Phone Tower

Dear Mr. Cummins,

This letter is my response to your notice in the local newspaper on a proposed cell phone tower at 413 W. Harrison Street, Kirksville, Missouri.

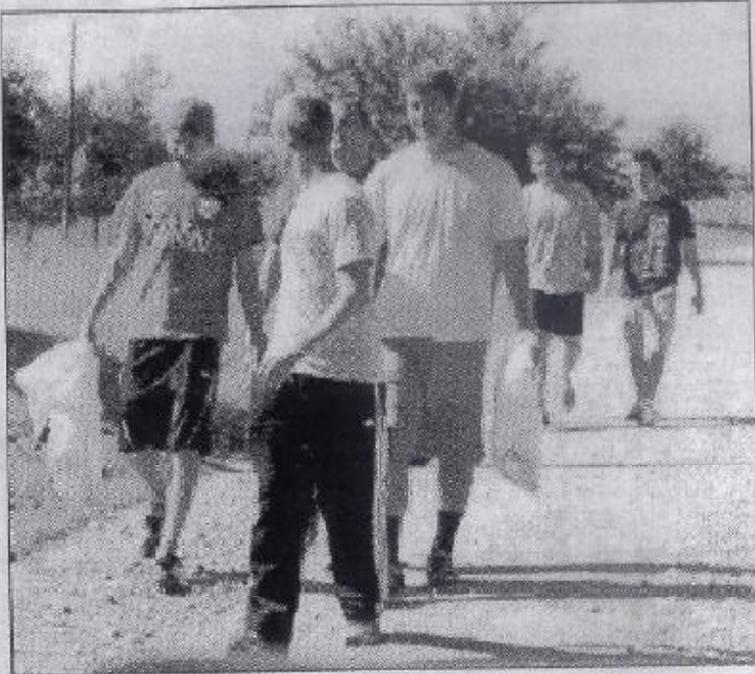
First off, this location is right next to an historic cemetery, Forest-Lewellyn Cemetery, here in Kirksville. This is the oldest cemetery in the city, dating to 1845. Civil War dead were interred in this cemetery. I do not believe that your cell phone tower will enhance the serenity at this site. In fact, it would be an eyesore, in my opinion.

Secondly, to put a cell phone tower in this location requires approval from the city. My department would handle the application for a Special Use Permit for this installation. We have not received an application from you, and I do not think that city staff will be in favor of this tower in this location. The Planning and Zoning Commission and Kirksville City Council will also have to approve this, after a required public hearing. I have reason to believe they may not approve of this project, again based on the location. Please know that I do not speak for the council or the commission, but I will speak for the city's position at any public hearing in which this project may come up, and I will not be in favor of the project at this site.

Sincerely,

Brad Selby  
Codes & Planning Director  
City of Kirksville

cc: **Mari Macomber**  
City Manager  
City of Kirksville



## Cleanup

Truman's Interfraternity Council and the Kirksville Watershed Commission co-sponsored a cleanup of roads in the Forest Lake Watershed recently. On Saturday, active fraternity members joined potential new members in picking up trash along eight miles of roadway in areas that drain into Kirksville's water supply. They fanned out to clean up all or parts of Orrick Trail, Missouri Trail, Michigan Trail, and Youngstown Trail. The event provided an opportunity for potential members to experience the fraternities' commitment to service and to talk to active members in an informal atmosphere. The Interfraternity Council is a self-governing body composed of six executive board members and 15 fraternities representing nearly 600 undergraduate students. IFC strives to promote excellence among its member fraternities in numerous areas including scholarship, individual chapter development, leadership, and community service. PHOTO SUBMITTED

Report from the Missouri Municipal League Annual Conference  
September 12-15, 2010  
St. Charles, MO  
Carolyn Chrisman

Kirksville City Staff and Elected Officials:

Below is a report of the sessions I attended while at the MML annual conference. The conference was a great place to learn new information and meet other city officials from across the state. In the future I would suggest every Council Member attending some type of conference in order to professionally improve yourself as a councilmember. I know that is what happened for me! I am also available at any time to answer questions you may have or share the PowerPoint notes and such which I received.

Sincerely,

*Carolyn Chrisman*

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Information Technology—Opportunities for Innovation and Collaboration

This was a two part session. The first one had the head of IT for Kansas City come and discuss how KC was trying to be innovative and work with their city departments on projects. Jennifer Hopkins discussed how the IT department was trying to build strategic partnerships internally and externally in the department as to increase efficiency and decrease costs. For example, they host technology days in order to increase everyone's access and knowledge about products and training, and so the IT people know what applications can be utilized by several departments. New in KC: Online citizen services (create cases and allow citizens to report problems), video conferencing (this is done with giving IT classes also), and worker mobility (do work in the field and have it remotely put into the system). KC is also looking at trying to go paperless. The second session was led by Doug Young the Chief Information Officer for the State of Missouri. He really focused on how cities and the state could collaborate with having more virtualization and one data center statewide. He wants to pipe together the telephone system with others in KC, St. Louis, and Jeff City so that there will be no more phone tag, and telephone books will be obsolete. Also by using video capabilities, workers will no longer have to drive to meetings. He also wants a bigger web presence for the state so that driver's licenses can be renewed online along with license plates, etc. Sharing of info between cities and the state can help everyone in cases of storage, disaster services recovery, GIS, etc.

Gimmicks, Illusions, and Other Techniques to Try to Balance the Budget and Ignore the Problem:

This presenter had an interesting background. He worked in Illinois under three governors including Blagovich. One thing he noted was that our system has an outdated tax structure. We tax goods and that worked when we were an industrialization nation. Now that we are more service oriented, we need to tax those in order to keep up with the demands of citizens. He also discussed the taxing of purchases made online and how that is an area that will probably be explored in the future. Paul also discussed that the pension system now cripples many municipalities and that a second tier might need to be created for new employees. He warned people about using one time funds to supplement the budget as opposed for using it for a one

time expense. Some of the examples of governments selling land and leasing it back were laughable. I was definitely glad of the conservative moral individuals we have in KV.

#### Community Improvement Districts:

I received a huge packet on this. The King Hershey people were the ones presenting. They basically went through the ins and outs on how to get one started, how it was done, etc. They mentioned that many municipalities are using CIDs to build convention facilities, improve infrastructure/storm water issues, etc. If anyone wants the packet, it goes in depth on the petition, electing directors, reports, and termination.

#### Sunshine Law:

Tom Durken, the Public Education Director, for the Missouri Attorney General discussed what the Sunshine Law was and took questions from the audience. He is using the laws from 2009. No real new information but a good refresher.

#### The Collaborative Approach to Grants:

The Rural Perspective on this was given by the Merrimac Regional Planning Commission person. She discussed how a community approach with other communities in your planning area might be needed to get grants, etc.

In the Merrimac region, they have several programs. One is the Regional Loan Board. Small businesses, banks approve and deal with the loans for SBA, 504, EDA, RLF, USDA, IRP. They use the leveraging from each country, chamber, enterprise zone to fund the loans.

Many grants that rural areas need (and need to collaborate on with population, etc) include the Homeland Security grants. Their region has collaborated on Soil-Waste Management District for tire/electronic/HHW collection and recycling. They have cooperated on transportation and infrastructure areas for bridge strengthening (FRP technology through the university) and counties provide matching funds.

#### MML Business Meeting:

At this business meeting, they elected officers and discussed that MML dues will increase by \$25 several times over the next ten years. Few simple changes were made to the policies—have changes if you want to see them.

#### Earnings Tax Vote in November:

An individual in St. Louis is sponsoring an initiative that will be on the November ballot. He spent millions of his own money to pay people to obtain signatures that would revoke the earnings tax in Kansas City and St. Louis. (Only three cities in the state can by state statute have an earnings tax and that is KC, STL, and St. Joseph (though St. Joe has none)). This tax has been in place since the 1970s and was voted on by the citizens of KC and StL, individually. So they agreed to tax themselves or businesses. The man who is against it believes that having this tax hurts Missouri because businesses won't locate here. The MML does not believe this is so because it is on par with other cities in the country. The city managers from KC and STL are nervous about losses of revenue. It provides \$200 million for KC annually, and \$140 million for St. Louis. The tax is used for police, fire, solid waste, etc. They also do not like that the whole

state of MO can decide for these three cities what they can and cannot do when voters alone approve the tax.

They are also fearful that if this goes through, people might try to repeal TIFs, Chapter 353, etc. I have more information on the tax and such if needed.

It was a great trip and we had some great speakers. One man who sailed around the world solo was there and I bought his book. A man who knows about the Creole history of Missouri spoke and played some violin music. Finally we had a great night in the Historic Downtown as St. Charles was an excellent host.

Thank you for the opportunity to go and I highly encourage that we switch who goes every year so everyone can have a great experience and learn something new!

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

www.dnr.mo.gov

September 13, 2010

Honorable Todd Kuhns  
Mayor, City of Kirksville  
201 S. Franklin  
Kirksville, MO 63501

Re: Drs. George and Blanche Laughlin House, 706 S. Halliburton Street, Kirksville, Adair County

Dear Mayor Kuhns:

We are pleased to inform you that the above named property will be considered by the Missouri Advisory Council on Historic Preservation for nomination to the National Register of Historic Places. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of the property provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

You are invited to attend the Missouri Advisory Council meeting at which the nomination will be considered. The council will meet at 9 a.m. on Friday November 19, 2010 at the Lewis and Clark State Office Building, 1101 Riverside Drive, LaCharrette Conference Room, Jefferson City, Missouri.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register. Please read the information thoroughly. If you have questions after reading the attachments, please contact Tiffany Patterson, National Register Coordinator, State Historic Preservation Office, PO Box 176, Jefferson City, MO 65102, e-mail [tiffany.patterson@dnr.mo.gov](mailto:tiffany.patterson@dnr.mo.gov) or by phone at 573/751-7858.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Mark A. Miles  
Director and Deputy  
State Historic Preservation Office

Enclosure: as stated

c: Cole Woodcox, preparer



September 28, 2010

A.T. Still University-Kirkville College of Osteopathic Medicine is applying to be a member of the Campus Wellbeing Consortium, a newly formed group engineered by Gallup Consulting. A consortium member demonstrates their preparedness to measure and promote student wellbeing with a partnership between the student body, campus and community leadership, and Gallup.

Consortium members will receive national recognition as a Wellbeing Campus and will benefit from the combined research efforts of its top faculty and the world's leading wellbeing scholars. Potential benefits include a more engaged student body and workforce, lower demand for student healthcare and reduced health insurance costs, and enhanced relations with peer institutions and surrounding communities.

ATSU-KCOM would like to partner with you and your institution. Our school is currently drafting the required wellbeing plan. At this point we are asking for your written agreement to partner with us in this exciting venture that will benefit the entire community and surrounding areas. Please read over the short statement of commitment below, sign it, and submit it to [ilocke@atsu.edu](mailto:ilocke@atsu.edu) by 9:00 a.m. Wednesday, September 29.

We appreciate your support!

Sincerely,



Philip C. Slocum, D.O., FCCP, FACOI, FCCM, FACP  
Dean, Kirkville College of Osteopathic Medicine  
A.T. Still University of Health Sciences  
800 West Jefferson Street  
Kirkville, Missouri 63501

Commitment Statement

I am committing to support A.T. Still University-Kirkville College of Osteopathic Medicine's plan to measure and promote student wellbeing for the next five years in conjunction with Gallup.

 TODD KUHN  
Name

MAYOR OF KIRKSVILLE  
Institution Name

9/28/2010  
Date

### **Air Choice One Airlines Bids Farewell to Kirksville**

ST. LOUIS, September 13, 2010 – Air Choice One will fly their last leg out of Kirksville, MO on Thursday September 16<sup>th</sup>, 2010 at 3:15 pm.

“Kirksville was our baby, we are so grateful to have had the chance to be of service to the community. It was our first essential air service contract and it really gave us the chance to prove how strong our company is,” said Shane Storz, President and CEO of Air Choice One Airlines.

Air Choice One Airlines has been the air service in Kirksville since July 2008. When Air Choice One entered the Kirksville market the ridership and reliability were at a low. Air Choice One has increased ridership over the past two years and proved to be a wonderfully reliable service. Air Choice One is handing off a great service to the new carrier. The new carrier will fully benefit from the efforts of Air Choice One.

“It has been a pleasure to be of service to Kirksville. We certainly have found friends amongst our frequent fliers and I will miss seeing them regularly,” said Bryan Sims, Chief Pilot of Air Choice One Airlines.

“It is sad to say goodbye to such a great city, but we look forward to coming back one day,” said Storz.

Air Choice One has been growing. Recently, Air Choice One has signed a passenger ticketing and baggage agreement with United Airlines. This agreement will allow for passengers to transfer baggage all the way through to their final destination when making a United Airlines connection. Air Choice One is now visible on Expedia and other consumer booking sites.

Air Choice One is a scheduled commuter airline currently providing airline service connecting passengers to Lambert St. Louis International Airport and Chicago O’Hare International Airport. Air Choice One has retained Airline Associates, an aviation-consulting firm based in St. Louis to assist the company in the preparation and execution phases of its expansion plans. To learn more about Air Choice One, please visit [www.airchoiceone.com](http://www.airchoiceone.com).

KIRKSVILLEarts  
Association

P.O. Box 88 Kirksville, MO 63501 (660) 665-0500

September 7, 2010

City of Kirksville  
201 S. Franklin  
Kirksville, MO 63501  
% Mari Macomber

Dear Mari,

I thought that you might be interested in the following statistics for artists and individuals served within the community for Kirksville Arts Association Summer on the Square Series 2010. That information is:

Total Artists entertaining	128
Children in Attendance	220
Adults in Attendance	3090

A total of **20 volunteers** and a **committee of 6** also spent more than **80 hours** planning and executing these concerts.

Kirksville Arts with support from the Missouri Arts Council, Pepsi Cola Memphis Bottling Co., City of Kirksville, Northeast Regional Medical Center, Kirksville Rocks, Chariton Valley Association/Alliant Bank, Du Kum Inn, Walgreen Drug, 1000 Hills Morning Rotary, and the Adair County Commissioners offered this concert series to our community and surrounding areas for a total of 13 Friday nights. Media and air coverage from KIRX, Inc. and KTVO was just great and the Adair County Commissioners were again very gracious.

Planning is already underway for the concert series of 2011, and we look forward to continuing our partnership with an even more successful season.

Sincerely,

  
Judy Neuweg  
Director

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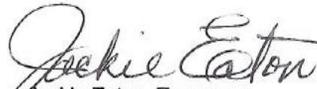
September 6, 2010

**TO: Kirkville City Manager**

**FROM: Adair County Humane Society**

**RE: August Shelter Report**

<b>Brought to Shelter</b>	Dogs	25
	Cats	14
	Puppies	3
	Kittens	19
<b>Reclaimed by Owner</b>	Dogs	6
	Cats	0
	Puppies	0
	Kittens	0
<b>Euthanized from City</b>	Dogs	3
	Cats	10
	Puppies	0
	Kittens	12
<b>Brought to Shelter Dead</b>	Dogs	1
	Cats	5
	Puppies	0
	Kittens	0
	Other	28

  
Jackie Eaton, Treasurer

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# BLOGS, SOCIAL NETWORKS, AND THE FIRST AMENDMENT

PUBLIC EMPLOYERS RETAIN CERTAIN RIGHTS TO TAKE ACTION BASED ON ONLINE SPEECH

by John J. Davis

Millions of Americans chronicle the events of their daily lives, from the significant to the mundane, through a seemingly endless variety of Internet blogs and social networking sites such as Facebook, MySpace and Twitter. Included among these posters are public school teachers, police officers, correctional officers, health agents, inspectors, public works foremen, and supervisors and administrators, as well as other elected and appointed government officials. As the popularity of blogging and social networking expands exponentially, so too does the risk of government employees posting confidential information, disparaging or defamatory remarks, or images or other material potentially disruptive to the operations of the schools, departments or agencies in which they work. When that occurs, the question is whether the government employer has a right, consistent with the protections of the First Amendment, to discipline the employee for posting inappropriate information. As one might expect, the answer is: "It depends."

The First Amendment to the United States Constitution provides, in relevant part, that, "Congress shall make no law ... abridging the freedom of speech." This prohibition was made applicable to the states and their political subdivisions by the Fourteenth Amendment. When a public employee is subjected to an adverse employment action because of something she posted on the Internet - for example, comments on a Facebook page or MySpace profile - she may choose to bring suit against her supervisors and/or employer under the Federal Civil Rights Act of 1871 (more commonly known as Title 42, Section 1983) claiming infringement of her First Amendment rights. Thus, in Connecticut, a high school teacher whose contract was non-renewed following the discovery of certain images and conversations with



students on his MySpace profile sued the superintendent of the school district and others, alleging a violation of his rights to free speech (*Spanierman v. Hughes*, 576 F. Supp. 2d 292 (D. Conn 2008)). And in Pennsylvania, a student teacher who was denied her teaching certificate because of comments and an image posted on her MySpace profile sued university administrators for damages and injunctive relief on the grounds that they violated her First Amendment right to freedom of expression (*Snyder v. Millersville University*, 2008 WL 5093140 (E.D. Pa. 2008)). Yet, in both cases, the courts ruled in favor of the defendants; no First Amendment violations were found.

The truth is, the First Amendment rights of public employees are not unrestricted. While some public employee speech is protected, other speech is not. This dichotomy reflects an ongoing struggle by courts to balance the concerns of government employers - who, like other employers, have a genuine interest in discouraging disruptive speech or remarks that simply cast the public employee, her co-employees or employer in an unfavorable light - against the not unreasonable desire of public employees to express themselves without fear of getting fired. Out of a reluctance to "constitutionalize" all government restrictions on public employee speech, courts therefore afford greater First Amendment protection to speech that relates to the operations or business of

government. Thus, a court will ask: Was the speech on a matter of "public concern"? In other words, did it relate to the political, social or other concerns of the community? If so, it is more likely to enjoy First Amendment protection. (We don't want to discourage public employees, as citizens, from speaking out on matters of concern to the community at large). But, if public employee speech is not on a matter of "public concern" and, instead, involves something entirely personal, it most likely is not protected under the First Amendment.

The fact that *Spanierman* and *Snyder* were both unsuccessful should serve not only as a warning to government employees about the public nature of social networking, but also as a signal to government employers who may wish to restrict certain Internet speech that could be considered harmful to the efficient provision of government services (just as they restrict certain comments to the press or letters to the editor).

## BLOGGING AND NETWORKING RISKS

A blog is the online equivalent of a personal diary, the principal difference being that the public is expressly invited to read and follow a blog. A blogger may use his personal Web site as a forum to comment on political or public events, to express his innermost thoughts or desires, or merely to vent about his in-laws, neighbors, favorite sports teams, boss or co-workers. Often, blogs contain regular updates, musings and reflections, as well as graphics, photographs, videos and/or links to other Web sites.

A social networking site allows a subscriber to create a personal profile (either public or semi-public) complete with photographs, video, text and music. By connecting with other users, "friends," a subscriber may share his personal news, information or photographs with an entire network, or communicate with others through e-mail or sections devoted to commentary.

For government employees, the risks of blogging and social networking

are inherent in the public nature of the Internet. At the mere touch of a button, a teacher, police officer or other government employee may post a picture or a comment that results in disciplinary action or could even end a career. Here are several examples:

- In June 2006, a Florida sheriff's deputy was fired for showing a picture of himself in uniform and bragging about his sexual and alcoholic feats in his MySpace profile.
- In November 2008, a North Carolina elementary school teacher was suspended for listing "teaching chitlins in the ghetto of Charlotte" in the "About Me" section of her Facebook page.
- In August 2009, a Georgia high school teacher was forced to resign for including an expletive and pictures of herself holding beer mugs and glasses of wine on her Facebook page.
- In February 2010, a Nebraska State Penitentiary guard was suspended for posting the following comment on his Facebook page: "When you work in a prison, a good day is getting to smash an inmate's face into the ground. ... For me today was a VERY good day."
- In February 2010, a sociology professor at a Pennsylvania university was

**Government employers may discipline employees for "inappropriate" Internet activity consistent with the proscriptions of the First Amendment.**

placed on administrative leave for making a joke on her Facebook page about hiring a hit man.

As the examples illustrate, a posting need not be work-related to get a government employee into hot water, it may concern matters that are entirely personal. While employees are entitled to First Amendment protection, that protection remains subject to the interests of government in exercising some degree of control over the words and actions of employees in order to safeguard the efficient provision of government services.

**THE FIRST AMENDMENT**

In the fall of 2005, Jeffrey Spanierman, an English teacher without tenure at a high school in Ansonia, Connecticut, opened a MySpace account to communicate with students about homework and, he said, to conduct casual discussions with them on non-school-related topics. Under the name "Mr. Spiderman," Spanierman's profile included pictures of him taken

ten years earlier, as well as pictures of naked men with comments beneath them. Spanierman also engaged in online exchanges with students on a peer-to-peer level. In one exchange, he teased a student about "getting any" (presumably sex); in another he threatened a student (albeit facetiously) with a detention. When a guidance counselor warned Spanierman that some of the material on his MySpace profile appeared "inappropriate," Spanierman closed the "Mr. Spiderman" page, then created a new profile under the name "Apollo68" containing the same material. After the guidance counselor reported the new profile to the school principal, an investigation ensued in which it was found that Spanierman had exercised "poor judgment as a teacher." In the spring of 2006, Spanierman was told the school district did not intend to renew his contract for the 2006-2007 school year.

Spanierman filed suit in federal court, claiming that school officials violated his rights to free speech as guaranteed by the First Amendment. The court dismissed his

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case. Even if some of Spanierman's speech was protected (for example, a poem written in opposition to the war in Iraq), such speech, stated the court, was not the reason for the school district's decision not to renew his contract. Evidence introduced by school officials showed that the content of Spanierman's MySpace page was "disruptive" to school activities. Specifically, the peer-to-peer exchanges made some students who viewed the page "uncomfortable" and demonstrated a potentially unprofessional rapport with students. In short, school officials were free to conclude that Spanierman's online communications with students could disrupt the learning atmosphere of the school. In the court's view, such disruption sufficiently outweighed any value in his MySpace speech (Spanierman, 576 F. Supp. 2d at 312-313).

Another test of First Amendment protection regarding online speech arose in Pennsylvania. In order to earn her bachelor's degree in education from Millersville University and receive a favorable recommendation

for certification, Stacey Snyder was required to complete a full-time student teaching placement prior to graduation. In January 2006, at the start of the second semester of her senior year, Snyder was assigned to student-teach English and literature at Conestoga Valley High School in Lancaster, Pennsylvania. The assignment did not go well. According to her teaching supervisor, Snyder experienced considerable difficulty with regard to preparation, competence, knowledge of the subject matter, and "over-familiarity" with students. At times, Snyder's efforts to share her personal life with students crossed into the realm of "unprofessional," her supervisor said. A posting on Snyder's MySpace page made matters worse. Commenting on why she did not intend to apply for a full-time job at Conestoga Valley High School, Snyder implied that the "real reason" was her teaching supervisor. An accompanying photograph showed Snyder wearing a pirate hat and holding a plastic cup with the caption "drunken pirate." Questioning Snyder's "professionalism," Conestoga

administrators immediately barred Snyder from the high school campus. When Snyder wrote an apology to the high school, replete with misspellings and grammatical errors, school administrators recommended to Millersville University officials that she "not pass" her student-teaching requirement. Millersville subsequently allowed Snyder to graduate with a Bachelor of Arts degree in English, but refused her a degree in education.

Snyder sued Millersville University for damages and injunctive relief, claiming the University had violated her First Amendment rights to freedom of expression. After a two-day bench trial, the judge ruled against Snyder. Comparing Snyder's role as a student teacher at Conestoga Valley High School to that of a public employee, the judge concluded that the content of her MySpace page did not touch on a matter of "public concern;" rather, it raised only personal matters. Consequently, the court was not required to consider whether the posting was disruptive to school activities. Quite simply, the posting was not protected by the First Amendment. Hence, any decisions made on the basis of the posting, such as the University's decision to deny her a teaching degree, did not violate Snyder's civil rights (Snyder, 2008 WL 5093140, \*16).

#### THE THREE-PART TEST

The *Spanierman* and *Snyder* decisions confirm that government employers may discipline employees for "inappropriate" Internet activity consistent with the proscriptions of the First Amendment. But what sort of activity will be considered "inappropriate"? To answer this question, courts will apply a three-part test.

1. First, is the speech the expression of a "citizen" on a matter of "public concern" (*Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006))? In other words, when he commented on his blog or posted pictures on his Facebook page, was the employee speaking in his capacity as a government employee (e.g., DPW director, firefighter, librarian) or as a private citizen (e.g.,

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parent, taxpayer, abutter)? If the former, then such speech does not belong to the employee but, instead, to the employer, who, in turn, has every right to restrict it. For example, in the recent decision of *Foley v. Town of Randolph* (1020 WL 816169 (1st Cir. 2010)), the First Circuit Court of Appeals held that when the Randolph fire chief complained of inadequate funding and staffing of the fire department, while in full uniform and on duty at the scene of a fatal fire, he did so in his capacity as a public employee, not as a private citizen. Therefore, the board of selectmen was entitled to discipline him for his intemperate remarks. Whether speech is on a matter of "public concern" depends on the content, form and context of the expression. If it is on a matter of political, social, or other concern to the community, then it is regarded as "public" (*Connick v. Myers*, 461 U.S. 138, 146 (1983)). But if it is on a matter of purely personal interest, the First Amendment affords no protection.

2. If an employee's blog or social networking comment is the expression of a "citizen" on a matter of "public concern," it may still be restricted (or otherwise made the subject of employer discipline) if the government's legitimate interest in the efficient performance of the workplace (e.g., school, police station, health department) outweighs the employee's First Amendment interests as combined with the interests of the public (*Pickering v. Board of Education*, 391 U.S. 563, 568, (1968)). While balancing such interests is often an inexact science, a court is likely to consider whether the speech is disruptive of workplace harmony or discipline, as well as its effect on employee loyalty, public confidence, and the operation of the workplace in general. In paramilitary organizations (such as police and fire departments), where government interest in the efficient performance of the workplace runs high, employees are typically subject to greater First Amendment restraints than are most other citizens. Thus, in *Dible v. City of Chandler* (515 F.3d 918 (9th Cir. 2008)), the court of appeals went to great length to describe the disruption that a police officer's sexually explicit Web site had on the entire department, even though the speech was not a matter of public concern and, therefore, unprotected under the First Amendment.

3. Finally, even if the balance established in the *Pickering* case tips in favor of an employee, a government employer may still escape civil rights liability if the employee cannot demonstrate that his speech was the substantial or motivating

factor in the government's adverse employment action. In short, the employee must also show that, "but for" his speech, he would not have been terminated or otherwise disciplined by his employer (*Mt. Healthy City School Dist. Board of Education v. Doyle*, 429 U.S. 274, 287 (1977)).

Given the exacting nature of this three-part test, it is easy to understand how government employers can, with some measure of confidence, draw a hard line when it comes to employee posting of "inappropriate" material on blogs and social networking sites. This is not to say, however, that the First Amendment is the only shield a government blogger can raise against an unhappy employer. For example, in Massachusetts, government employees may, under certain circumstances, be entitled to raise the protections of the privacy statute (M.G.L. Ch. 214, Sect 1B), or the whistleblower statute (M.G.L. Ch. 149, Sect. 185), against disciplinary action. Further, while union employees may find protection in a collective bargaining agreement, tenured teachers can invoke the limited grounds for dismissal set forth in Chapter 71, Sections 38 and 42, of the General Laws.

By the same token, government bloggers and social networkers protected against employer "retaliation" are not thereby free to disclose confidential student information without running afoul of federal and state statutes and regulations (Sec 20 U.S.C. Sect. 1232g; M.G.L. Ch. 71, Sect. 34D; 603 C.M.R. Sect. 23.10 et. seq.). Nor are they immune from the provisions

of the privacy statute (M.G.L. Ch. 214, Sect. 1B), or such tort remedies as defamation, negligent infliction of emotional distress, or intentional infliction of emotional distress.

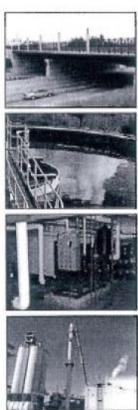
Most government employers have adopted computer-use policies that define and restrict the personal use of government-owned computers and related equipment by public employees. If they haven't already, municipalities and other governmental entities would be wise to amend such policies to advise public employees that personal use of personal computers or other electronic media may also have consequences if the information or material posted is considered confidential, disparaging, defamatory or otherwise "inappropriate." Of course, defining what is taboo may prove tricky. But listing as "inappropriate" information or images that demonstrate "conduct unbecoming" a police officer, firefighter, teacher, bus driver, etc., may be a good place to start.

Teachers, police officers, firefighters and other government employees should beware: even if their employer cannot terminate or otherwise discipline them for posting a reckless comment on a community blog or personal Facebook page, this does not mean there will be no consequences. The public nature of the Internet effectively guarantees that what they post can come back to haunt them. □

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