

KIRKSVILLE CITY COUNCIL

NEWSLETTER . . .

Mari E. Macomber, City Manager
November 18, 2011

SUBJECTS:

**DATES TO REMEMBER
STUDY SESSION GUESTS
KDIC UPDATE
REGIONAL PLANNING COMMISSION
HOLIDAY HOURS AT AQUATIC CENTER
CHILD CARE SURVEY RESULTS
ANIMAL CONTROL
MUNICIPAL COURT JUDGE
ANNUAL EMPLOYEE MEETING
WELLNESS PROGRAM
WELLNESS CLASSES
EMPLOYEE RECRUITMENT
PFH ADDITIONAL REQUEST
NUTRITION EDUCATOR'S CONFERENCE**

DATES TO REMEMBER

11/20 – Make a Splash Sunday at the Aquatic Center – 1:00 pm
11/21 – City Council Study Session @ 4:30 pm
11/21 – City Council Meeting @ 6:00 pm
11/22 – Council on the Radio - Mayor Detweiler
11/24 and 11/25 – Thanksgiving Holiday – City Hall Closed
12/2 - 3 – Livestock Symposium
12/4 – Governmental Affairs
12/4 – No LPRC
12/6 – Annual Employee Meeting – City Hall closed from 1 pm to 3 pm

STUDY SESSION GUESTS

The City Council will have a couple of guests in attendance at the Monday Study Session. The students, two girls from China are part-time students at Truman. They are currently completing English training. Their instructor, Robbi Shedron, will also be in attendance. Ms. Shedron requested the opportunity for the students to learn about municipal government. Prior to the Study Session, the students will be visiting the Finance Department to learn more about the business side of the City. The students will be expected to write a paper describing what they learned. If the Council is agreeable, you may want to introduce yourselves to the students and give them time before the close of the Study Session to ask you question. Please note that they are invited guests to the meeting.

KDIC UPDATE

The Kirksville Downtown Improvement Committee had their annual meeting this past week. From that meeting, two surveys are being distributed. The first is a survey to identify the key interests of the downtown in an effort to develop a strategic plan. The second survey is to determine interest and feedback from the downtown on the proposed Design Guidelines. Included with this Newsletter is a copy of the Strategic Plan survey. The Design Guideline survey can be made available to each member of the Council. It is important that the City participate in these surveys. Jeremy Pingel gave the group an update on the efforts to implement a Community Improvement District (CID). According to Jeremy, information is needed from the Adair County Assessor who is having some sort of software issue and is unable at present to provide property information needed to complete the petition and first step of the CID process. The Downtown will have a Small Business Saturday—The 26th of November, 15-16 businesses will be participating, and will have flyers to hand out. Santa will be on the square the 3rd, 10th & 17th, and Carolers on the 10th. The officers for the KDIC will be: President—Sherry Stacey, V.P.—Ashley Ray, Secretary—Todd Kuhns, and Treasurer—Tina Taggart. Finally, the downtown lights that have been hung along the buildings and canopies will not be hung, as the KDIC was having a hard time keeping them lit. City crews will be hanging the lantern decorations for the KDIC.

REGIONAL PLANNING COMMISSION

Dave Davison, Executive Director of the Regional Planning Commission stated that the annual report for the RPC was in development. Their fiscal year ends in June, so they are working on putting together our Annual Report which will cover their activities from 7/1/2010 - 6/30/2011. He noted that he would get back with me to arrange a meeting. I have let the County Commissioners know this.

HOLIDAY HOURS AT AQUATIC CENTER

The Aquatic Center will be closed on Thanksgiving and Christmas Eve. Since Christmas and New Year fall on Sundays, the pool is already closed. No morning lap swim on 11/25, 12/26, or 1/2 – pool will reopen at noon. The Aquatic Center will close two hours early at 5 p.m. on 12/2 and 12/31.

CHILD CARE SURVEY RESULTS

The Center for Applied Statistics and Evaluation (CASE) presented their preliminary findings for the Childcare Survey that was recently conducted. There were 135 surveys completed electronically and 10 surveys completed using the paper version. The survey did find that our community has a need for childcare during the hours of 8 am to 7 pm but little need for overnight/extended care. The survey also found that affordability and availability were barriers that respondents reported. If the council would like to learn more about the survey findings, the CASE students would be happy to provide their findings at a future study session.

ANIMAL CONTROL

Animal Control Officer, Bob Mills and Chief Hughes met with me a few weeks ago to discuss an animal control issue concerning possums and raccoons. Bob is called out regularly to assist property owners in removing these animals from their properties. He

uses traps to capture them. We have learned, through training that Bob has taken, and in conversations with Missouri Department of Conservation staff that trapping these animals and then relocating them to other areas (we will drop them off at our landfill) is not the best practice. The first issue is the difference in the animals found in town versus those found in the country in terms of disease and tolerance to conditions. The second is that some animals, regardless of the time in the cage, are negatively affected and may cause further damage. Finally, the animals come back. The department would like to develop a practice that would allow them to permanently dispose of the animals in a humane way. If the City Council is interested in learning more about this issue, we could schedule a Study Session before any changes were made.

MUNICIPAL COURT JUDGE

For many years an Associate Circuit Judge presided over weekly sessions of Kirksville Municipal Court. Due to an increased case load, additional duties assigned to associate circuit judges, and the increased complexity of processing a large volume of cases, the City of Kirksville decided in 1994 to recruit our own Municipal Court Judge in accordance with Chapter 479 of the Revised Statutes of Missouri. Letters of interest were sent to both in-town and out-of-town attorneys for this appointment. It was determined that an out-of-town attorney would have fewer conflicts arising from cases they are handling in their private practice. In February 1995, Phoebe Herrin was hired as the City's first Municipal Court Judge. For the past 17 years, Judge Herrin has served the City of Kirksville in delivering municipal court services. Many changes have taken place in the provision of services and with the ever increasing State Court requirements, as well as occasional changes to better accommodate attorneys and defendants that must access our court. Judge Herrin consistently holds court on Thursdays (exception one week per year vacation and weeks containing conflicting holidays). Fees for the Municipal Court Judge have increased approximately \$5,000 in the past 17-years from \$13,992 in 1995 to \$18,960 today. In 2009, the City Council approved including the Judge in our medical/dental plan. The Municipal Judge Agreement will expire on February 28, 2012, which typically means the Judge and City Manager discuss the renewal terms. A local attorney asked this week if the City would be opening this position up for others to be considered. Since, the employment of the Judge is a Council matter, it is your decision. I would suggest that there are no great reasons to consider a change. Judge Herrin represents the City well, is familiar with city ordinances, and understands the Council's direction. The attorney who inquired did note that he would not be giving up his private practice. Unless the City Council states any objections, discussions will begin with Judge Herrin to renew her contract.

ANNUAL EMPLOYEE MEETING

The annual employee meeting is scheduled for Tuesday, December 6 beginning at 1:00 p.m. at the Downtown Cinema 8. City office will be closing early. The annual meeting is an opportunity to share the City Council's goals for the upcoming year and to communicate changes in employee benefits.

WELLNESS PROGRAM

Mayor Detweiler asked that research be conducted to determine the legality of screening to determine the smoking status of applicants before considering them for hire. The law allows us to prohibit smoking at work or on City property but does not allow employers to prohibit smoking during the employee's off-duty time. Following this is a response to that question from Vance Miller, a partner with Armstrong Teasdale law firm in St. Louis. Mr. Miller has represented management in all aspects of labor relations and employment matters since 1978. With the next biometric screening, a determination will be made as to whether or not employees will receive a discount on their premiums. The next screening will take place January 10 thru 13. Since there is so much riding on employees meeting their Health Index Goal (\$88.56 per month discount in premiums), the Council may wish to include an additional test to determine if an employee is a smoker. Without the test, the response to the question of whether someone smokes or not is based solely on the response from the employee. If an employee states they smoke, there would be no need for the test. However, for all others, the test would be given. The test costs \$30 per person and could potentially cost as much as \$3,000.

Clearing the air about smoking policies
by Vance Miller

Q: Our company is trying to boost its corporate wellness efforts and keep health care costs down. One thing we want to do is **ban all employee smoking**. Is that legal? Are there any laws protecting employees' tobacco use?

A: This is a very interesting question that would seem simple to answer. However, it's more complex than it appears. Your inquiry actually prompts a series of questions: Can you ban employee smoking in the workplace? Can you ban employee use of tobacco products outside of work? Can you make smoking cessation part of a wellness program?

Missouri prohibits smoking in public places except in designated smoking areas. "Public place" is defined to include "any enclosed indoor area . . . serving as a place to work." Thus, you have an obligation to prohibit smoking in indoor facilities except in designated smoking areas. **There is no requirement that you designate smoking areas, so you can ban smoking (or the use of tobacco products) on your property** entirely if you so choose (see Missouri Revised Statutes (MRS) 191.765-773).

But wait! **Missouri prohibits you from discriminating against an employee for the lawful use of alcohol or tobacco products during nonworking hours and away from company property**. In other words, you can't ban employees from smoking or using tobacco products or alcohol during non-work time (see MRS 290.145). Missouri does, however, allow you to provide or contract to provide health insurance benefits at a reduced premium rate or lower deductible for employees who don't smoke or use tobacco products. Thus, under **Missouri law, you can offer different premium rates and deductibles for smokers and nonsmokers** (see MRS 290.145).

But we're not through yet! The Health Insurance Portability and Accountability Act may cause you some problems if you give discounts to nonsmokers as part of your wellness program without giving smokers a reasonable opportunity to participate in some other way (e.g., a smoking cessation program).

WELLNESS CLASSES

The final wellness classes for this semester offered by Truman students were held this past week, the topic, "The Ins and Outs of Weight Loss-How To Achieve The Right Weight The Right Way". Classes were held on November 15 and 16 at 3:30 (TCRC) and November 17 at 7:30 a.m. at the Public Works complex.

EMPLOYEE RECRUITMENT

We are currently taking applications for the position of Finance Director, Police Officer and two part-time Communication Operator positions. We have received two more resumes' for Finance Director and will be evaluating those applicants. We have determined finalist for the positions of Utility Supervisor and Airport Operator and will be interviewing in the near future.

PFH ADDITIONAL REQUEST

Preferred Family Healthcare is in the process of renovating the hanger recently purchased from Mr. Barber. PFH asked this week if they could construct an additional structure, a carport, on the backside of the hanger so that they can keep their cars out of the elements. The request was partially denied. PFH was given permission to place a concrete parking pad on the backside of the hanger but the carport is not allowed. We have an airport layout plan (ALP) that is developed and approved by the City, MoDOT and FAA. Our ALP shows where we intend to build additional structures. This is not an approved structure.

NUTRITION EDUCATOR'S CONFERENCE

University of Missouri Extension office in Kirksville is offering a free Nutrition Educators Conference here in Kirksville on December 2 at the former TCRC building. The conference will feature national and international experts on multiple food topics including nutrition education, food safety, the food we eat and human health considerations. City Staff will be assisting during the conference to help facilitate ITV broadcasting of the conference to other locations around the state.

Attachments

- One Cent Sales Tax Report
- CID Report
- Kirk Tran Reports
- Municipal Court Dates
- Humane Society Report
- Downtown Strategic Plan Survey
- Conference Trip Report

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

	2007	2008	2009	2010	2011	2011 YTD Growth/Loss Comparison to			
BUDGET	2,440,470	2,578,240	2,584,485	2,466,000	2,476,280	2010	2009	2008	2007
January	261,636.75	241,502.73	266,740.40	259,347.52	177,293.93	-31.64%	-33.53%	-26.59%	-32.24%
February	208,545.59	219,903.17	195,734.29	200,778.78	259,901.05	29.45%	32.78%	18.19%	24.63%
March	78,334.89	132,002.16	147,892.81	156,669.64	160,805.35	2.64%	8.73%	21.82%	105.28%
April	325,352.21	253,028.44	246,130.84	232,500.31	258,496.85	11.18%	5.02%	2.16%	-20.55%
May	284,843.75	220,972.61	216,847.11	233,120.21	239,462.58	2.72%	10.43%	8.37%	-15.93%
June	90,815.59	148,541.83	142,964.71	143,943.57	149,702.34	4.00%	4.71%	0.78%	64.84%
July	339,353.59	279,431.55	279,236.50	265,660.28	259,437.07	-2.34%	-7.09%	-7.16%	-23.55%
August	198,332.97	222,179.31	203,838.29	208,953.81	218,429.47	4.53%	7.16%	-1.69%	10.13%
September	104,648.03	140,078.56	146,129.55	131,838.50	174,444.14	32.32%	19.38%	24.53%	66.70%
October	315,420.19	235,788.79	237,555.14	252,020.17					
November	180,902.81	209,464.69	222,488.00	207,549.97					
December	204,890.74	204,920.17	153,163.14	199,574.20					
TOTAL	2,593,077.11	2,507,814.01	2,458,720.78	2,491,956.96	1,897,972.78	3.56%	2.84%	2.17%	0.32%
VARIANCE from BUDGET Growth/(Loss)	152,607.11	(70,425.99)	(125,764.22)	25,956.96	(578,307.22)				

**SALES TAX COLLECTIONS BY FISCAL YEAR
Community Improvement District 1-Cent Sales Tax**

FY 2011	
Budget	86,384.00
Actual Collections:	
January	10,287.53
February	9,834.90
March	743.03
April	14,986.57
May	7,062.98
June	1,403.07
July	11,579.84
August	7,640.98
September	2,843.31
October	N/A
November	N/A
December	N/A
Total Tax Collections	\$66,382.21
Variance Growth/(Loss)	(\$20,001.79)

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

	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	100,267.58	5,868.83
November	55,297.87	64,600.41	9,302.54
December	123,911.02	122,354.30	(1,556.72)
January	86,545.66	100,293.80	13,748.14
February	91,855.42	94,262.91	2,407.49
March	109,769.34	85,289.72	(24,479.62)
April	88,811.05	119,191.04	30,379.99
May	60,425.42	75,145.16	14,719.74
June	112,296.40	123,657.91	11,361.51
TOTAL	\$1,114,192.00	\$1,195,542.97	81,350.97

	FY 11/12		
	Budget	Actual	Variance Growth/(Loss)
July	100,095.76	115,552.14	15,456.38
August	56,124.32	74,772.94	18,648.62
September	143,523.11	121,737.17	(21,785.94)
October	97,274.75	104,086.50	6,811.76
November	56,982.60	85,700.82	28,718.22
December	127,686.15		
January	89,182.41		
February	94,653.93		
March	113,113.62		
April	91,516.81		
May	62,266.37		
June	115,644.17		
TOTAL	\$1,148,064.00	\$501,849.57	47,849.03

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

	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 11/12 YTD Growth/-Loss Comparison to			
						10/11	09/10	08/09	07/08
July	103,941.50	105,049.44	103,701.31	113,459.81	115,552.14	1.84%	11.43%	10.00%	11.17%
August	42,598.44	73,007.59	70,605.96	71,562.71	74,772.94	4.49%	5.90%	2.42%	75.53%
September	165,201.54	134,460.71	134,027.00	125,457.62	121,737.17	-2.97%	-9.17%	-9.46%	-26.31%
October	95,388.40	107,711.01	96,360.14	100,267.58	104,086.50	3.81%	8.02%	-3.37%	9.12%
November	50,588.52	68,385.21	71,667.19	64,600.41	85,700.82	32.66%	19.58%	25.32%	69.41%
December	153,517.60	113,078.49	113,685.10	122,354.30					
January	85,601.77	100,602.46	107,619.38	100,293.80					
February	98,828.11	97,351.19	74,051.55	94,262.91					
March	113,937.61	122,232.45	120,629.29	85,289.72					
April	100,131.60	90,946.94	94,738.04	119,191.04					
May	64,680.35	70,542.11	75,660.91	75,145.16					
June	120,202.33	119,106.87	111,043.36	123,657.91					
TOTAL	\$1,194,617.77	\$1,202,474.47	\$1,173,789.23	\$1,195,542.97	\$501,849.57	5.58%	5.35%	2.71%	9.64%

**Kirk-Tran Units
October-11**

Day/Date	6AM-6PM(KTA)	KTH (High Hope)	Fixed Route	TOTAL
	Units	Units	Units	Units
Monday 10/03	15	13	30	58
Tuesday 10/04	20	10	21	51
Wednesday 10/05	20	12	27	59
Thursday 10/06	19	12	19	50
Friday 10/07	23	13	14	50
Monday 10/10	13	0	26	39
Tuesday 10/11	16	10	23	49
Wednesday 10/12	16	10	21	47
Thursday 10/13	16	10	17	43
Friday 10/14	21	12	18	51
Monday 10/17	16	12	19	47
Tuesday 10/18	13	10	26	49
Wednesday 10/19	20	10	26	56
Thursday 10/20	18	10	24	52
Friday 10/21	22	12	18	52
Monday 10/24	19	12	22	53
Tuesday 10/25	14	8	25	47
Wednesday 10/26	13	10	28	51
Thursday 10/27	15	10	28	53
Friday 10/28	21	12	27	60
Saturday 10/29	20	0	0	20
Monday 10/31	17	12	16	45
	387	220	475	1082

Trip Purposes	
Employment	546
Business	418
Medical	76
Shopping	22
Education	18
Nutrition	2
TOTAL	1082

2012

KIRKSVILLE MUNICIPAL COURT 627-1237

Thursday – Court Dates

JAN.	5 12 19 26	JUL	5 12 19 26
FEB	2 9 16 23	AUG	-- 9 16 23 30
MAR	1 8 15 22 29	SEP	6 13 20 27
APR	5 12 19 26	OCT	4 11 18 25
MAY	3 10 17 24 31	NOV	1 8 15 --- 29
JUN	7 14 21 --	DEC	6 13 20 ---

As of January 1, 2012 there will be

NO COURT in 2012 on:

JUNE 28	instead assign JULY 5
AUG 2	instead assign Aug 9
NOV 22	instead assign NOV 29
DEC 27	instead assign JAN 3, 2013

ADAIR COUNTY HUMANE SOCIETY

P.O. Box 481

Kirksville, Missouri 63501

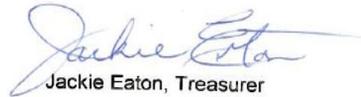
November 6, 2011

TO: Kirksville City Manager

FROM: Adair County Humane Society

RE: October Shelter Report

Brought to Shelter	Dogs	14
	Cats	6
	Puppies	0
	Kittens	0
Reclaimed by Owner	Dogs	0
	Cats	0
	Puppies	0
	Kittens	0
Euthanized from City	Dogs	2
	Cats	2
	Puppies	0
	Kittens	0
Brought to Shelter Dead	Dogs	0
	Cats	4
	Puppies	0
	Kittens	0
	Other	40



Jackie Eaton, Treasurer

DREAM INITIATIVE STRATEGIC PLAN SURVEY

Please Circle Your Top Three Priorities from the List Below

Land Use & Building Survey

- Create Ongoing Downtown Inventory Update
- Conduct Parking Studies (as needed)
- Update Land Use & Zoning GIS Data
- Interface Tax Maps with GIS Data
- Develop Inventory Database for Downtown Infrastructure
- Produce/Procure new Aerial Photography

Community Survey

- Continue Visitor Surveys
- Re-convene Focus Groups
- Conduct Web Survey

Organizational Structure

- Establish Sustainable Funding Source for KDIC
- Create University Partnership Committee

Financial Assistance

- Develop Façade Rehabilitation Revolving Loan Fund
- Establish a Community Development Corporation - tackle larger projects
- Develop Ongoing Funding Identification Mechanism
- Investigate development of Residential Rehabilitation Program

Housing Market

- Continue to enforce Building Codes, establish targeted districts
- Educate property owners to available credits and incentives to encourage property owners to improve & maintain properties
- Encourage owners of commercial buildings to provide window coverings or treatments on vacant spaces

DREAM INITIATIVE STRATEGIC PLAN SURVEY

Building & Streetscape

- Establish Historic Overlay District and Adopt Design Standards
- Encourage Removal of Canopies and Beautification
- Federal & State Tax Credits for Rehabilitation
- Continue Upper Floor Development
- Establish Gateways at Major Entrances to Downtown

Retail Market

- Encourage Targeted Retail Uses
- Create a Downtown Business Development Package
- Encourage Existing Retail Expansion and Increase Available Retail Space
- Collectively Market Downtown Retailers
- Create a Business Development Loan Program
- Verify and Update Vacancies and Store Mix

Special Projects

- Lack of established "gate-way" entries to Downtown and definition to District area
- Lack of cohesive aesthetic appearance Downtown (awnings, signage, materials, etc.)
- Need for more public spaces - pocket parks
- Continued improvement of streetscape

Other Ideas:

Trip Report from Brad Selby

James Rolston and I went to the Missouri Association of Code Enforcement and Missouri Association of Code Administrators (MACA/MACE) meeting in the Lake of the Ozarks two weeks ago. We were there about two days. Meeting topics that we attended were:

1. Problem Properties (nuisance problems)
2. Office Safety Training (James)
3. Fire & Smoke Protection Features & Means of Egress (me)
4. Meth Lab Clean Up
5. Dangerous Building Abatement

Numbers 1 and 4 were the best and we both came away with some information that will help us, or that we are going to try to investigate further.

A few interesting things came to our attention:

1. Some cities have now adopted ordinances regarding the cleaning up of Meth houses. There are companies that will come in and evaluate the conditions that are there after a meth lab has been discovered in a house. They will determine what needs cleaned, how to clean it, and what needs to be replaced. A contractor is then hired to come in and do the job, and then the first company will come back in and verify that it has been cleaned correctly, and will test to make sure it is OK for human occupation again. The property owner is required to pay for this cleanup. Codes requires the immediate removal of any tenants. This has helped to rid communities of houses like this, because the high cost of repair sometimes is more than the cost of demolition, and the owner decides to just get rid of the house. I have talked to Jim a little bit about this. It may have a place here, but we are finding that the new "shake & bake" meth production methods don't have nearly the impact on a house that the old cooking procedures had. It is cleaner than before, so is not as dangerous to future inhabitants. A possible ordinance is something that we might keep in mind.

2. Some cities and counties, when cleaning up a property because of owner neglect, or an owner that can't be found, are using a Special Tax Bill now in place of a lien. The Special Tax Bill for cleanup is placed directly on the current years taxes and when the taxes are paid, the city is paid back right then, unlike a lien, which is not paid back until the property would change hands. I plan to do a little more investigation on this when I get time. I like the idea.

3. Some communities have adopted a section of their nuisance codes that targets nuisance properties (like the Old High School) with a monthly inspection fee. Once a property is identified as a nuisance, and there is work ongoing to try to get it cleaned up or repaired, the community codes people would do a monthly inspection (usually a drive-by) to see if there has been any progress, and charge the owners an "inspection fee" every month until the nuisance has been totally abated. Fees range from \$50 a month to \$200 a month. That could be a decent incentive on some of these long-term problems. Don't really plan to do anything with this at this time, but it is something to

keep in mind as it could be a source of revenue. I have probably made 50 special drive by trips on the Old High School just to see if anything has been done yet, in the last 3 years.