

KIRKSVILLE CITY COUNCIL **NEWSLETTER . . .**

Mari E. Macomber, City Manager
April 12, 2013

SUBJECTS:

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MEMBERSHIP DUES
KIDS FISHING DAY EVENT
ANNUAL BICYCLE RODEO EVENT
DINNER THEATER TICKETS STILL AVAILABLE FOR APRIL 18-20
TREE CITY USA**

DATES TO REMEMBER

04/17 – Chamber Economic Development Committee meeting, 4:00 pm.
04/18 – Chamber Business After Hours – Kirksville Regional Airport, 5:00 - 7:00 pm.
04/19 -- TGIF: State of the Judiciary, 8:00 am.
04/20 – Kids Fishing Day Event, Spur Pond, 1 pm
04/23 -- NEMO Job Fair, 11:00 am.
04/23 -- KVYP Lunch & Learn, 12:15 pm
04/26 – Arbor Day Celebration, 3 pm
04/27 -- 2nd Annual "Spring Fever" at the Crossing Church
05/01 - NEMO RPC Annual Meeting – 5:30 pm at Knox County Community Center

NEW ELECTED OFFICIALS TRAINING

The Missouri Municipal League is offering its annual training session for New city Council members. The League's Elected Officials Training Conference offers a nuts and bolts review of the myriad of important issues municipal officials need to be familiar with – Sunshine Law, budgets, public official liability, conflict resolution, taxes, conflicts of interest, public works contracts, economic development due diligence – these are just a few of the topics to be covered. While the Conference focuses on providing the knowledge base that newly elected municipal leaders need to govern effectively, the changes that continually occur in the municipal arena make this a Conference that all officials may want to attend. The Conference will be held at the Jefferson City Capitol Plaza Hotel, June 13-14. For more information please visit the following website.

http://www.mocities.com/events/event_details.asp?id=271395&group=%20. If you are interested in attending, the City Clerk will make your arrangements.

GROSS RECEIPTS RESPONSE

This past week we have had a few businesses contact us to learn more about the gross receipts fees. As noted in the previous Newsletter, we had learned that we were not sending out the gross receipts fee to all required businesses. The practice of the Finance Department was to send a Gross Receipt Fee form on a quarterly basis to businesses with a sales tax identification number. This practice failed to send forms to businesses that do not collect sales taxes, but are required to pay a Gross Receipts Fee. Some of the calls have been inquiries to better understand the requirement, one business has asked for a review of their tax exemption as a not for profit to determine if they are required to pay. As a reminder, there were about 242 businesses that had not been receiving a Gross Receipts Fee form that will be getting a form starting with the 1st quarter of 2013.

RESPONSE TO NEMO TAC

The Airport and Transportation Commission reviewed the projects outlined in the most recent Transportation Advisory Commission report for Northeast Missouri. The Commission recommended the following changes which were supported by our County's three representatives (Presiding Commissioner Pickens, Mayor Detweiler and Citizen Representative Harriet Beard):

1. Need NEMO AD 4 should be amended to:
 - a. Location: Adair County: Route 6; Sullivan County to Chariton River near Novinger and Route 6 from Highway 63 east of Kirksville to Knox County, Approximately 21.0 miles.
 - b. The section of Highway 6 from the new Highway 63 east to the Knox County line is the only unimproved section of Highway 6 not included in a proposed project in MoDOT's Northeast District. We do not know why it is not included in the needs documents.
 - c. Highway 6 is classified by MoDOT as a Principal Arterial across Adair County. The section east of Kirksville has ADT volumes of over 3200 near Kirksville and over 2400 as you near the Knox County line. We request that the NE District TAC Needs Data Sheet for NEMO AD 4 be updated to include Highway 6 east of Kirksville as well as the section already addressed, before the 2012 needs list is finalized by MoDOT.
2. Reference to City of Kirksville cost share on NEMO AD 2, Center Turn Lanes on Baltimore, should be deleted.
3. A new need should be included to add median cable barriers on the four lane section of US Highway 63 from Kirksville south to the Macon County line, and that need should be integrated with similar projects on Highway 63 from the Adair County line south to the sections of Highway 63 near Columbia which have barrier cable installed.

A letter asking that these items be added to the TAC report was sent this week to the NEMO RPC. This letter and ATC discussion was a result of a letter received from the RPC asking that we review and respond back to the RPC by April 12.

PURCHASE OF AMERICAN PRODUCTS

At the last Council Study Session there was a mention of purchasing US made products. Following is the City's policy regarding the purchase of US products. It is part of our Purchasing Policy.

Section 4.11 Purchase of American Products

On purchases in excess of \$500, the purchasing departments are encouraged to select products manufactured, assembled or produced in the United States if the quality and price do not greatly exceed the price and quality of other goods. Where applicable, the availability of parts/service shall also be considered. Every contract for public works construction or maintenance in excess of \$10,000 shall contain a provision requesting the contractor to use American products in the performance of the contract whenever the quality and price are comparable with other goods.

FOREST LAKE ORDINANCE

With Council approval Chief Hughes met with the LPRC on April 2nd. The Chief was continuing to follow-up on recent Council approved ordinance changes at Forest Lake. The LPRC approved a recommendation to add a daily fee (and subsequent waiver) to allow for boats, with motors in excess of 90 hp, to operate at no wake/idle speeds. The LPRC did discuss establishing an annual fee for the same purpose; but rejected that idea. Since that time there have been enquiries, from at least two people, well known in the local boating community. They would like reconsideration of the annual fee for motors in excess of 90 hp at idle/no wake speeds.

PERFORMANCE CONTRACTING

The City has a policy that allows for the use of our sales tax exemption for projects that are solely for the use of the City. By allowing this the City saves dollars on our capital projects. The sales tax exemption was recently used by Schneider Electric when they purchased the water meters. It is not clear in the documents that were executed with Schneider that the tax exemption would be used though the materials purchased like the water meters and HVAC equipment are clearly for municipal use. Therefore, I have requested a letter from Schneider Electric addressing this matter. I will have the letter by our meeting time on Monday.

HUMAN RIGHTS COMMISSION

Prior to the election, the City Council received a letter from the Truman State University Student Senate President, Aaron Malin asking the Council to consider the addition of a Human Rights Commission. The City Council's response was no interest at this time. Mr. Malin met with me after the election and asked if the City Council would reconsider this matter noting support from our newest Councilmember. Sometimes after an election, the Council chooses to review previously considered items. Does the City Council wish to discuss whether or not a human rights commission is needed in Kirksville.

WATER LEAK ORDINANCE

In reviewing the water ordinance, we found a section that states that the City will repair private water lines. The ordinance has been in place since 1990. This section of the

ordinance contradicts other sections that require the property owner to maintain the same line. We are going to prepare an ordinance to delete this section and do not remember any time that the City has actually used this section of the ordinance.

MS4 ORDINANCE

The City's current Missouri Separate Storm Sewer System permit was issued on June 13, 2008, and like all General Permits, will expire on June 12, 2013. The City's MS4 permit renewal is due on May 12, 2013. With the permit application, we will have to submit an updated Stormwater Management Program (SWMP), an updated map of the City's Stormwater system and all outfalls or point so discharge to the waters of the state. In addition the City Council will need to approve an ordinance that will update the City's codes covering review of stormwater plans for new developments, inspection procedures for construction in progress, and a post-construction runoff control program. Included with this Newsletter is the draft ordinance that the Council was presented earlier in the month. It is our intent to bring this to the City Council for adoption at the first Council meeting in May.

NEMO RPC ANNUAL MEETING

The NEMO RPC Annual meeting will be held on Wednesday, May 1 in Knox County. The doors will open at 5:30 pm with dinner at 6 pm followed by the annual meeting. Please let us know who will be attending this event, so that we may RSVP for you. The meeting will take place at the Knox County Community Center in Edina.

MEMBERSHIP DUES

Currently four members of senior management are members of local service clubs (Rotary and Kiwanis). Each of us provide for our own memberships. In the past the City use to pay the dues for these local organizations. I was asked if the City Council would be willing to support these memberships by paying all or a portion of the dues. If the Council wishes to consider this, a fiscal review of the cost will be provided.

KIDS FISHING DAY EVENT

On Saturday April 20, Truman State University, in association with Kirksville Parks and Recreation Department, will be hosting a Family Fishing Day at Spur Pond. The event will be from 1 p.m. To 3 p.m. Fishing poles and tackle will be provided by the Missouri Department of Conservation participants are welcome to bring their own. Bait will be provided by the Kirksville Bait Shop. There will be games and contests. Participants in this event **do not** need a valid fishing license.

ANNUAL BICYCLE RODEO EVENT

The City of Kirksville and the Truman State University Health and Exercise Science Department will host a Bicycle Rodeo on Sunday, April 21, from 2-4 pm. The event will be held in the parking lot of the Amphitheater at Rotary Park and is free to the public. Attendees will learn important bicycle safety skills, including basic traffic interaction, rules of the road and proper helmet fitting. Citizens will also have the opportunity to register their bikes with the Kirksville Police Department at the event.

DINNER THEATER TICKETS STILL AVAILABLE FOR APRIL 18-20

Hurry to the Aquatic Center to get your tickets for the KV Parks and Recreation Musical: *Next Thing You Know*. Show dates are Thursday April 18-non dinner \$5.00/ticket and Friday April 19 or Saturday April 20-dinner performances \$18/ticket. The non dinner shows start at 7pm. Dinner theatre performances-dinner at 6pm, show to follow. All the performances are at Jackson Stables.

TREE CITY USA

The City was recently notified that we have received the Tree City USA designation for 2013. This is the 15th year that Kirksville has received this honor. An Arbor Day Celebration is being planned for Friday, April 26 at 3 pm to help commemorate this honor.

Attachments

- Sales Tax Reports
- Purchasing Policy – Sales Tax Exemption
- Water Leak Ordinance
- MS4 Ordinance
- Notice of NE Regional Planning General Membership Meeting and
Solid Waste Management District Council Meeting
- Tree City USA Letter
- Google Analytics for March
- Blood Drive in Honor of David Hall

Enclosures

- March 2013 Revenues vs. Expenditures

One-Cent General Sales Tax

	2008	2009	2010	2011	2012	2013	2013 YTD Growth/-Loss Comparison to				
							2012	2011	2010	2009	2008
BUDGET	2,578,240	2,584,485	2,466,000	2,476,280	2,523,820	2,588,620					
January	241,502.73	266,740.40	259,347.52	177,293.93	231,297.39	268,619.22	16.14%	51.51%	3.58%	0.70%	11.23%
February	219,903.17	195,734.29	200,778.78	259,901.05	229,342.20	206,324.87	-10.04%	-20.61%	2.76%	5.41%	-6.17%
March	132,002.16	147,892.81	156,669.64	160,805.35	147,321.44		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
April	253,028.44	246,130.84	232,500.31	258,496.85	288,635.98		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
May	220,972.61	216,847.11	233,120.21	239,462.58	216,676.28		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
June	148,541.83	142,964.71	143,943.57	149,702.34	141,482.89		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
July	279,431.55	279,236.50	265,660.28	259,437.07	285,063.79		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
August	222,179.31	203,838.29	208,953.81	218,429.47	203,154.15		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
September	140,078.56	146,129.55	131,838.50	174,444.14	162,346.70		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
October	235,788.79	237,555.14	252,020.17	270,826.30	264,153.60		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
November	209,464.69	222,488.00	207,549.97	223,163.42	209,821.80		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
December	204,920.17	153,163.14	199,574.20	159,898.86	177,081.78		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
TOTAL	2,507,814.01	2,458,720.78	2,491,956.96	2,551,861.36	2,556,378.00	474,944.09	3.11%	8.63%	3.22%	2.70%	2.93%
VARIANCE from BUDGET Growth/(Loss)	(70,425.99)	(125,764.22)	25,956.96	75,581.36	32,558.00	(2,113,675.91)					
	461,405.90	462,474.69	460,126.30	437,194.98	460,639.59	474,944.09					
				Amended Budget	2,575,746.00						
				Variance (Loss)	(19,368.00)						

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

	2008	2009	2010	2011	2012	2013	2012 YTD Growth-Loss Comparison to				
							2012	2011	2010	2009	2008
BUDGET	1,212,420	1,214,550	1,208,610	1,238,140	1,261,910	1,279,163					
January	113,937.61	122,232.45	120,629.29	85,289.72	106,319.67	123,086.03	2.04%	44.32%	2.04%	0.70%	8.03%
February	100,131.60	90,946.94	94,738.04	119,191.04	108,595.67	96,917.30	2.30%	-18.69%	2.30%	6.56%	-3.21%
March	64,680.35	70,542.11	75,660.91	75,145.16	73,294.33		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
April	120,202.33	119,106.87	111,043.36	123,657.91	137,601.31		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
May	105,049.44	103,701.31	113,459.81	115,552.14	104,128.45		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
June	73,007.59	70,605.96	71,562.71	74,772.94	69,846.97		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
July	134,460.71	134,027.00	125,457.62	121,737.17	134,281.22		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
August	107,711.01	96,360.14	100,267.58	104,086.50	97,048.04		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
September	68,385.21	71,667.19	64,600.41	85,700.82	79,800.20		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
October	113,078.49	113,685.10	122,354.30	129,064.24	125,444.41		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
November	100,602.46	107,619.38	100,293.80	106,591.45	100,920.32		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
December	97,351.19	74,051.55	94,262.91	77,056.78	87,889.14		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
TOTAL	1,198,597.99	1,174,546.00	1,194,330.74	1,217,845.87	1,225,169.73	220,003.33	2.37%	7.59%	2.15%	3.20%	2.77%
VARIANCE from BUDGET											
Growth/(Loss)	(13,822.01)	(40,004.00)	(14,279.26)	(20,294.13)	(36,740.27)	(1,059,159.67)					
	214,069.21	213,179.39	215,367.33	204,480.76	214,915.34	220,003.33					
				Amended Budget	1,247,798.00						
				Variance (Loss)	(22,628.27)						

SALES TAX COLLECTIONS
1/4-Cent Capital Improvement Sales Tax

	2008	2009	2010	2011	2012	2013	2013 YTD Growth/-Loss Comparison to				
							2012	2011	2010	2009	2008
BUDGET	638,115	639,660	636,140	619,070	630,955	621,790					
January	56,977.54	61,226.84	60,321.62	42,654.08	53,168.78	61,555.22	15.77%	44.31%	2.05%	0.54%	8.03%
February	50,068.09	45,520.89	47,373.58	59,595.62	54,297.80	48,458.31	-10.75%	-18.69%	2.29%	6.45%	-3.22%
March	32,296.20	35,294.84	37,830.34	37,572.42	36,646.97		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
April	60,175.98	59,580.80	55,521.89	61,828.87	68,800.89		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
May	52,524.95	51,886.50	56,725.39	57,776.21	52,064.46		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
June	36,504.33	35,332.27	35,781.46	37,386.59	34,923.47		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
July	67,230.26	67,042.64	62,729.01	60,868.81	67,140.45		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
August	53,855.58	48,207.69	50,134.10	52,043.23	48,524.12		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
September	34,194.01	35,843.40	32,300.12	42,850.45	39,900.26		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
October	56,539.23	56,842.83	61,177.23	64,532.14	62,722.37		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
November	50,301.03	53,809.77	50,146.96	53,698.45	50,460.08		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
December	48,675.38	37,025.73	47,131.61	38,528.47	43,944.70		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
TOTAL	599,342.58	587,614.20	597,173.31	609,335.34	612,594.35	110,013.53	2.37%	7.59%	2.15%	3.06%	2.77%
VARIANCE from BUDGET											
Growth/(Loss)	(38,772.42)	(52,045.80)	(38,966.69)	(9,734.66)	(18,360.65)	(511,776.47)					
	107,045.63	106,747.73	107,695.20	102,249.70	107,466.58	110,013.53					
				Amended Budget	618,696.00						
				Variance (Loss)	(6,101.65)						

SALES TAX COLLECTIONS
1/2-Cent Transportation Sales Tax

	2008	2009	2010	2011	2012	2013	2013 YTD Growth/-Loss Comparison to				
							2012	2011	2010	2009	2008
BUDGET	1,276,230	1,279,320	1,272,280	1,238,140	1,261,910	1,239,620					
January	113,955.17	122,453.83	120,637.22	85,308.17	106,337.62	123,110.89	15.77%	44.31%	2.05%	0.54%	8.03%
February	100,135.90	91,041.61	94,746.83	119,191.19	108,595.52	96,917.27	-10.75%	-18.69%	2.29%	6.45%	-3.21%
March	64,592.11	70,589.85	75,661.05	75,145.01	73,294.29		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
April	120,351.14	119,161.44	111,043.15	123,657.82	137,601.32		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
May	105,049.27	103,773.48	113,451.22	115,552.90	104,128.69		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
June	73,008.24	70,664.70	71,562.61	74,773.02	69,846.79		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
July	134,460.59	134,084.90	125,457.80	121,737.11	134,281.29		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
August	107,711.16	96,415.03	100,268.06	104,086.49	97,047.92		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
September	68,387.66	71,686.79	64,600.41	85,700.82	79,800.32		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
October	113,078.38	113,685.64	122,354.25	129,064.29	125,445.04		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
November	100,602.42	107,619.35	100,293.67	107,396.30	100,920.34		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
December	97,351.22	74,051.52	94,262.96	77,056.53	87,889.24		-100.00%	-100.00%	-100.00%	-100.00%	-100.00%
TOTAL	1,198,683.26	1,175,228.14	1,194,339.23	1,218,669.65	1,225,188.38	220,028.16	2.37%	7.59%	2.16%	3.06%	2.77%
VARIANCE from BUDGET											
Growth/(Loss)	(77,546.74)	(104,091.86)	(77,940.77)	(19,470.35)	(36,721.62)	(1,019,591.84)					
	214,091.07	213,495.44	215,384.05	204,499.36	214,933.14	220,028.16					
				Amended Budget	1,233,456.00						
				Variance (Loss)	(8,267.62)						

SALES TAX COLLECTIONS

Local Use Tax

	1%-City	.5% Eco Dev	.25% CIST	.5% TST	2013
BUDGET	0	0	0	0	0
January	7,300.82	3,649.59	1,824.79	3,649.59	16,424.79
February	9,857.40	4,927.59	2,463.79	4,927.59	22,176.37
March					0.00
April					0.00
May					0.00
June					0.00
July					0.00
August					0.00
September					0.00
October					0.00
November					0.00
December					0.00
TOTAL	17,158.22	8,577.18	4,288.58	8,577.18	38,601.16
VARIANCE from BUDGET					
Growth/(Loss)	17,158.22	8,577.18	4,288.58	8,577.18	38,601.16

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

FY 2013	
Budget	90,000.00
Actual Collections:	
January	12,422.40
February	6,001.12
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
Total Tax Collections	\$18,423.52
Variance	
Growth/(Loss)	(\$71,576.48)
Amended Budget	90,000.00
Amended Growth/(Loss)	(\$71,576.48)

4.15 Tax Free Purchase of Construction Materials by City Hired Contractors

From time to time it may be cost beneficial for the City to let a contract with all or part of the material cost specified as tax-exempt. The State Statutes allows this for purchases “for the purpose of constructing, repairing or remodeling facilities”.

When the City designates a contract to be bid this way, the City will require the following procedures:

City shall furnish to the Contractor an exemption certificate authorizing purchases for the project. The Contractor shall furnish said certificate to all subcontractors, and the Contractor shall present said certificate to all material suppliers as authorization to purchase, on behalf of the City, all tangible personal property and materials to be incorporated into or consumed in the construction of the project. The exemption certificate is available from the City’s Engineering Department.

Contractor shall submit to the City the name of the suppliers to be used, including their address, phone number and contact person, along with an estimate of the dollar value of the materials to be purchased from each supplier.

The City department handling the contract will contact all suppliers and will set up blanket purchase orders in the amount of the estimated value of materials to be purchased. The City department will instruct suppliers to bill the City direct for all materials, and will make arrangements for sales tax exemption.

Suppliers shall execute to the purchasing contractor invoices bearing the name of the tax exempt entity and the project identification number. Contractors will be responsible for approving invoices for payment. This will require the contractor to come to the appropriate City office weekly to sign invoices being held. No invoice will be paid without the contractor’s approval. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five (5) years and shall be subject to audit by the Missouri Director of Revenue.

Each month the contractor may submit a request for payment. The amount of materials purchased, and sales tax abated, will be deducted from the contractor’s request for payment. The City will endeavor to take advantage of all discounts. If a discount is missed due to any fault of the City of Kirksville, the City will deduct the full amount from contractor’s request for payment. If, however, the discount is lost due to any fault of the contractor, including his failure to approve an invoice in a timely manner as outlined in C. above, the discount lost will be charged to the contractor and subtracted from the contractor’s request for payment.

Any excess resalable tangible personal property or materials which are purchased for the project by the contractor under a project exemption certificate, but which are not incorporated into or consumed in the construction of the project, shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by the Contractor not later than the due date of the Contractor’s Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

The exemption certificate may be renewed by the City only for the purpose of revising the certificate expiration date as necessary to complete the project.

Sec. 25-73. - Leak repairs on private water supply mains. 

(a) After July 1, 1990, the city, at its own cost, shall **repair the first reported leak** that occurs on a private water supply main. The city shall notify the owners of property served by such private water supply main of the extent of repairs planned or made, and furthermore, of the process required to bring the private water supply main to current standards. Subsequent leaks shall be repaired at the property owner's expense unless the property owners agree to the conditions outlined below prior to any further work being done by the city on the private water system main.

(b) The city shall participate in the cost of repairs as outlined by the conditions below. The city reserves the right to operate within its annual budget and to only participate in such repairs as are fiscally prudent.

(1) All standard private main(s) between the city main and the point of breakage shall be replaced with a new main using current minimum standards.

(2) The property owners which abut the new main shall dedicate the line and necessary right-of-way to the city at no cost.

(3) The property owners which abut the new main shall have a contractor install new corporation cocks, street service pipes and stop boxes (stop boxes may be reused if in acceptable condition). Property owners which were connected to the old private main, but do not abut the new main, shall also be required to have a new installation as outlined above and shall not be allowed to connect to another private main. The costs of the installation shall be borne by the individual property owners.

(c) If the items are agreed upon in writing by all property owners that would be served by the mains in subsection (b), then the city shall participate as follows:

(1) The city will install, at its expense, the necessary main piping, valves and appurtenances so purchased by the abutting property owners.

(2) The city will install, at its expense, any fire hydrants which would have been required.

(3) If the city elects to size the main larger than the minimum, then the additional cost above the minimum size shall be borne by the city.

(4) The city shall design and obtain approval for the water system improvements; prepare any right-of-way and dedication documents; and finally prepare any contracts or agreements.

(d) If the city elects not to participate for either fiscal reasons or because the parties do not agree to the preceding conditions upon the second leak occurring, then the city shall seek the best alternative(s) to solve the problem not to exclude the water being discontinued within (48) hours after notification.

(e) The city reserves the right to establish a special assessment district to provide for improvements to the city's water supply systems which could correct the problems caused by private water supply system failures.

(Ord. No. 10911, § 2, 4-2-90)

BILL NO: _____

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI ESTABLISHING RULES FOR ILLICIT DISCHARGE AND DETERMINING PROCESS FOR THE CONNECTION TO MUNICIPAL STORMWATER SYSTEM.

SECTION 1 PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Kirksville and surrounding areas through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2 DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or

approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA or the Missouri Department of Natural Resources, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution: Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3 APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4 RESPONSIBILITY FOR ADMINISTRATION

The City of Kirksville shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City Manager of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

SECTION 5 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person,

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7 DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges:

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections:

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8 SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations

The City of Kirksville may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such

steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge:

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Kirksville prior to the allowing of discharges to the MS4.

SECTION 10 MONITORING OF DISCHARGES

Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Access to Facilities:

The City of Kirksville shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

Facility operators shall allow the City of Kirksville ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

The City of Kirksville shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

The City of Kirksville has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Kirksville and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Unreasonable delays in allowing the City of Kirksville access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

If the City of Kirksville has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The City of Kirksville will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next

business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager, City of Kirksville, 201 S. Franklin Street, Kirksville, Missouri 63501 within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14 ENFORCEMENT

Notice of Violation.

Whenever The City of Kirksville finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 20 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17 COST OF ABATEMENT OF THE VIOLATION

Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 20 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the

rate of 5 percent per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

SECTION 18 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19 COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21 CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of 500 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23 ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect ___ days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this ____ day of _____, 2013, by the following vote:



NORTHEAST MISSOURI
REGIONAL PLANNING COMMISSION
& RURAL DEVELOPMENT CORPORATION
& ECONOMIC DEVELOPMENT DISTRICT

121 S. GAIL STREET
MEMPHIS, MISSOURI 63102

TELEPHONE 661 960 7281
FAX 661 465 7163

Jim Warner Chairman	Charles E. Harris Vice-Chairman	David W. Stoddard, III Secretary	Wayne Kuntz Treasurer	Scott Taylor Executive Director
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April 1, 2013

PLEASE MARK YOUR CALENDARS

To: Northeast Missouri Regional Planning Commission Member Governments,
Agencies, Boards, Committees, Guests and staff.

From: David Davison, Executive Director

Subject: **Annual Spring General Membership Dinner Open Meeting**

The Northeast Missouri Regional Planning Commission and Rural Development Corporation will hold their Spring General Membership Open Meeting on **Wednesday, May 1, 2013** at the **Knox County Community Center** in **Edina, Missouri**. The doors open @ 5:30 p.m., dinner will start @ 6:00 p.m. and the General Membership open meeting will start @ 6:30 p.m.

The Region "C" Solid Waste Management District Council Open Meeting will be **immediately following the RPC/RDC Membership Open Meeting.**

We hope that each and everyone of our member units of government, agencies that we assist, boards, committees and guests will be represented and enjoy the evening.

Please **RSVP to Melody Whitacre** at the **Regional Planning Commission office, 660-465-7281, ext 6, by Friday, April 19** with the names from your body of government that will be attending, fax to 660-465-7163 or email to melodywhitacre@nemorpc.org the enclosed form with the names of the attendees so we can prepare plans for the meal accordingly.



March 18, 2013

Mayor Richard Detweiler
201 S. Franklin Street
Kirksville, MO 63501

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Kirksville on earning recognition as a 2012 Tree City USA. Residents of Kirksville ought to be proud to live in a community that makes the planting and care of trees a priority.

Your community joins more than 3,400 Tree City USAs, with a combined population of 140 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public. If you wish to receive an electronic version of the release, please email Sean Barry, Director of Media Relations at sbarry@arborday.org and we will reply with a copy within one business day.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to Yvette Amerman in your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Kirksville and thank you for helping to create a healthier planet for all of us.

Best Regards,

A handwritten signature in cursive script that reads "John Rosenow".

John Rosenow
Chief Executive

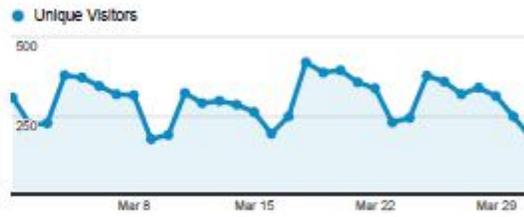
cc: Melanie Robinson-Smith

enclosure

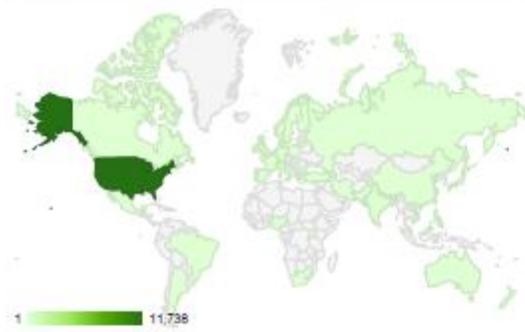
New Visits



Unique Visitors



Visits



Visits by Browser

Browser	Visits
Internet Explorer	5,242
Chrome	3,086
Safari	1,544
Firefox	1,333
Android Browser	751
Safari (In-app)	63

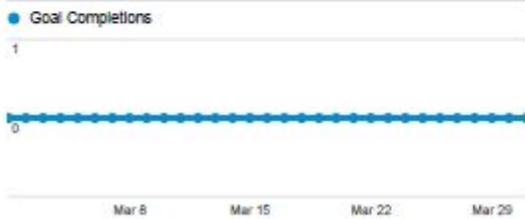
Avg. Visit Duration and Pages / Visit



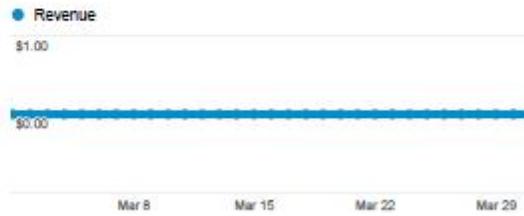
Bounce Rate



Goal Completions



Revenue



http://www.kirksvillecty.com - http://www.kirksvillecty.com
www.kirksvillecty.com [DEFAULT]

Audience Overview

Mar 1, 2013 - Mar 31, 2013

● % of visits: 100.00%

Overview



7,195 people visited this site



Language	Visits	% Visits
1. en-us	11,513	95.12%
2. en	464	3.83%
3. zh-cn	25	0.21%
4. fr	18	0.15%
5. en-gb	11	0.09%
6. es	10	0.08%
7. ja	8	0.07%
8. en_us	7	0.06%
9. c	4	0.03%
10. de	4	0.03%

Donate Blood In Honor of David Hall

Wednesday, May 22

Noon - 6:00 p.m.

NEMO Fair Grounds - Multi-purpose Building

Sponsored by City of Kirksville, Kirksville

Masonic Lodge #105 & Adair Lodge #366



About David

David Hall is a husband, father, brother and friend to many. David is actively involved in the Kirksville community, willing to lend a hand to anyone in need. Recently David was diagnosed with leukemia.

Please come and donate blood in honor of David, to show your support and helping those in need.

**For an appointment please contact Sonya at
(660) 627-1272 or visit redcrossblood.org**

American Red Cross

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