

KIRKSVILLE CITY COUNCIL

NEWSLETTER . . .

Mari E. Macomber, City Manager *MEM*

Copies to: City Attorney
Media

September 26, 2008

SUBJECTS:

DATES TO REMEMBER
NO COUNCIL MEETING
CITY/COUNTY MEETING
BIOENERGY CONFERENCE
COMMUNITY SERVICES DIRECTOR
MISSOURI DNR MEETING
MHDC LETTER AND COMMENT PERIOD
RED WHITE AND BLUE INVITATION
AIRPORT DAYS EVENT
KIRKSVILLE IMAGE COMMITTEE
HISTORIC PRESERVATION GRANT
FTC RED FLAG REQUIREMENT
DOWNTOWN PARTNERS MEETING
THANK YOU

DATES TO REMEMBER

September 27 – Hazel Creek Watershed Event 10:00 a.m. Army Reserve Center
September 29 – No Council Meeting – *fifth Monday*
September 30 – City/County Meeting @ 8:30 a.m. at Adair County Courthouse
September 30 – Budgets due to City Manager
October 5 – 7 – TSU Homecoming
October 6 – City Council Meeting @ 5:30 p.m.
October 7 – Governmental Affairs @ 7:30 a.m.
October 7 – LPRC @ 12:00 p.m.
October 7 – ATC @ 12:00 p.m.
October 7 – KDIC Meeting at Chamber of Commerce at 5:30 p.m.
October 8 – Planning and Zoning Commission @ 7:00 p.m.
October 10 – ATSU Founder's Day

NO COUNCIL MEETING

Since Monday is a fifth Monday there will be no City Council meeting. The next Council meeting will be Monday, October 6 at 5:30 p.m.

CITY/COUNTY MEETING

The next City/County meeting will be on Tuesday morning, September 30 at 8:30 a.m. at the Adair County Courthouse. I have included a copy of the agenda that we have prepared. This is an opportunity for the City and County to discuss issues of mutual concern.

BIOENERGY CONFERENCE

A bio-energy conference will be held December 5, 2008 at Truman State University on December 5, 2008. The conference will focus on production and utilization of grassy woody biomass, wind energy and what property owners should know. The conference will also provide information to build community and regional support. The conference is targeted to educators, extension personnel, community leaders, and agency personnel, anyone interested in a sustainable energy future. The conference is sponsored by Truman State University and University of Extension. Our local Missouri Rural Enterprise and Innovation Center is a supporter of the conference.

COMMUNITY SERVICES DIRECTOR

With the announcement of Steve Bell's resignation, I will begin the recruitment process to find a Community Services Director. Included with this Newsletter is a copy of the job notice that will be sent out to our local sources, posted on the website and cable channel 3 and sent out to various professional organizations. In the meantime, Steve Bell will continue to work for the City to help us complete a couple of projects like the skate park and sand volleyball court.

MISSOURI DNR MEETING

The Missouri Department of Natural Resources Northeast Regional Office in Macon has extended an invitation to City Officials throughout the district to attend a meeting at their office on Tuesday, October 21, 2008 from 6:00 to 8:00 p.m. This is a very timely meeting of the Department, since the City Council has been discussing future water sources and future plans for a wastewater treatment plant. If members of the Council would like to attend this meeting, please let me know. We could arrange a car pool. Representatives of DNR will be on hand to talk about current regulations, new and upcoming regulations, permit, monitoring and other system requirements.

MHDC LETTER AND COMMENT PERIOD

The City Council agreed to send letters of support to the Missouri Housing Development Commission for four local projects. The first project was the Travelers Hotel project (second year to be submitted). The second and third projects were renovation projects of two existing housing structures – Fjeld Arms and Kirksville Apartments. Both of these projects were submitted on behalf of community action agencies. The Fjeld Arms project is a project of the North Missouri Community Action Agency. The fourth project was a new construction project submitted by Preferred Family Healthcare. Included with this Newsletter is a letter from Pete Ramsel, Executive Director of the Missouri Housing Development Commission inviting public comment. There will be a series of public hearings with the closest being in Columbia on the evening of November 5. The Commission encourages both public and written comments, and will do so until December 19, 2008. Also included for your information is a summary of the four projects. The Travelers Project is requesting the largest dollar amount of support for a total of 34 units. Fjeld Arms is impacting the greatest number of housing units, 60.

RED WHITE AND BLUE INVITATION

Southside Baptist Church has extended an invitation to the City Council to attend a special recognition program on Sunday, October 5 starting at 10:00 a.m. at 1010 West Burton. The purpose of the event is to recognize the services of all fire, police and emergency medical service providers, elected officials and prosecutors and judges. Southside Baptist Church has hosted this event since 2001.

AIRPORT DAYS EVENT

The Kirksville Airport Association met to discuss the results of the recent Airport Days event at the Kirksville Airport. Association members, despite the bad weather, were pleased with the response and support of the event and have chosen to pursue the event again next year. The chosen dates being considered are September 11 and 12.

KIRKSVILLE IMAGE COMMITTEE

The Kirksville Image Committee held its second meeting today. The Committee discussed identifying three goals of the committee to accomplish over the next six months. The Committee has chosen to pursue the completion of two professionally made commercials (video). The first video would be one to focus on pride and property, and the second on pride in Kirksville. The Committee identified some individuals and groups that could assist them in accomplishing their goals. Other ideas and recommendations discussed included - Codes continuing to work to cleanup properties along Highway 63, establishing a residential/commercial yard of the month, developing of an adopt-a-block program (promotional efforts will be made to video some cleanup efforts to encourage participation). Committee discussed getting young people involved and interested in community pride. To do this the Committee discussed establishing a motto or saying that is similar to 'MySpace' – such as 'OurSpace' and put something on 'YouTube'. The group also discussed dividing the city into quadrants and having different groups of people clean up each section on a quarterly basis. There was interest in obtaining the Kirksville videos that were made previously to promote Kirksville. The Committee will meet again in mid October. Included for the Council is an article from Newsweek magazine. The article is about a minister who encourages his congregation not to complain. It is an interesting article that basically says that complaining leads to negative thoughts, then negative outcomes and positive comments lead people to positive means. It is an interesting article.

HISTORIC PRESERVATION GRANT

City staff has submitted a grant to the Missouri Historic Preservation Commission asking for support and funding of a comprehensive city-wide assessment to assist us in identifying important structures and features of our community that would be worth preserving.

FTC RED FLAG REQUIREMENT

Included in your Newsletter is an article regarding the Federal Trade Commission's required Red Flag policy. Businesses, including municipal utilities, will be required to actively look for identity theft. We are in the process of determining what this really means for the city.

DOWNTOWN PARTNERS MEETING

The Downtown Partners met this week, excluding a representative of Adair County. We discussed the status of projects and proposed future projects. The Partners were in support of pursuing improvements to the Marion / McPherson Parking lot, and wanted to begin working on way finding signage for the downtown. The City and Truman will need to begin discussions on improvements to Franklin Street. The Committee discussed the possibility of pursuing a similar grant as the one used to complete the eastside of Franklin Street. The Partners also discussed the importance of getting the word out to people and to use the services of PGAV to make themselves available in the near future to explain the

recommendations found in the Organizational Structure. Each member of the Downtown Partners agreed to review the document and provide feedback to PGAV.

THANK YOUS

Included are several thank-you notes received by the City for various services and operations of the City.

Attachments

- Budget Calendar
- Sales Tax Information
- Humane Society Report
- Agenda for City/County Meeting
- Bio Energy Conference Agenda
- Community Services Director Advertisement
- DNR Meeting Notice
- MHDC Letter and Application Summary
- Southside Baptist Church Invitation
- FTC Red Flag Information
- Article on Complaining
- Thank Yous.

Budget Calendar

REMAINING DATES

September 30	All other Fund/departmental budget proposals* due to City Manager.
October 7-10	City Manager budget review meetings with departments.
October 14-17	Follow-up meetings with departments as necessary.
November 10	Preliminary budget submittal to City Council.
November 17-18	City Council review of budget.
November 20- December 15	Preliminary budget available for public inspection.
December 1	Public hearing on budget and first reading. Adoption of current year amendment ordinance.
December 15	City Council adoption of budget.
January 1	New year begins.
January 31	Budget document distributed.

*Budget proposal includes:
Program description
Summary of significant changes
Budget templates
Budget detail
Capital submittal
Projects summary

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

	FY 04/05	FY 2005 (9-month)	FY 2006	FY 2007	FY 2008	2008 YTD Growth/-Loss Comparison to			
						2007	2006	2005	04/05
January	179,410.83		185,123.44	201,467.60	180,902.81	-10.21%	-2.28%	0.83%	N/A
February	67,108.84		96,634.04	181,920.03	204,890.74	12.63%	112.03%	205.31%	N/A
March	306,530.87		322,180.50	261,636.75	241,502.73	-7.70%	-25.04%	-21.21%	N/A
April	176,521.54	195,655.59	214,395.10	208,545.59	219,903.17	5.45%	2.57%	12.39%	24.58%
May	65,360.86	59,159.40	42,975.59	78,334.89	132,002.16	68.51%	207.16%	123.13%	101.96%
June	301,897.06	308,001.22	332,297.08	325,352.21	253,028.44	-22.23%	-23.85%	-17.85%	-16.19%
July	186,538.96	190,611.14	219,132.32	284,843.75	220,972.61	-22.42%	0.84%	15.93%	18.46%
August	70,760.18	66,012.88	84,424.76	90,815.59	148,541.83	63.56%	75.95%	125.02%	109.92%
September	301,195.71	311,884.76	313,225.26	339,353.59	279,431.55	-17.66%	-10.79%	-10.41%	-7.23%
October	193,208.43	219,075.90	212,575.62	198,332.97					
November	63,603.21	129,776.12	71,710.31	104,648.03					
December	309,266.07	253,015.27	309,706.14	315,420.19					
TOTAL	\$2,221,402.56	\$1,733,192.28	\$2,404,380.16	\$2,590,671.19	\$1,881,176.04	-4.62%	3.91%	11.68%	N/A

Current collections are lower than previous year collections for the same period. We are aware that part of the issue may be the timing of payments made by some of the larger retail companies.

ADAIR COUNTY HUMANE SOCIETY

P.O. Box 481

Kirksville, Missouri 63501

August 5, 2008

TO: Kirksville City Manager

FROM: Adair County Humane Society

RE: August Report

Received from City	Dogs	2	2
	Cats	1	4
	Puppies	0	
	Kittens	9	
Reclaimed by Owner	Dogs	6	
	Cats	0	
	Puppies	0	
	Kittens	0	
Euthanized from City	Dogs	4	
	Cats	6	
	Puppies	0	
	Kittens	1	
Brought to Shelter Dead	Dogs	0	
	Cats	3	
	Puppies	0	
	Kittens	0	
	Other	1	5

The Board would like to thank the City for allowing the Doggy Luau at the Pool and the Humane Society to receive the proceeds.


Jackie Eaton, Treasurer

POSTED: September 25, 2008 – 9:00 a.m.

**NOTICE OF
WORK SESSION
- OPEN MEETING –
-TENTATIVE -**

NOTICE IS HEREBY GIVEN THAT THE KIRKSVILLE CITY COUNCIL AND THE ADAIR COUNTY COMMISSIONERS WILL MEET AT 8:30 A.M. ON TUESDAY, SEPTEMBER 30, 2008, AT THE ADAIR COUNTY COURTHOUSE, KIRKSVILLE, MISSOURI.

TENTATIVE AGENDA:

- HUMANE SOCIETY
- DREAM
- COMMUNITY MEETINGS
- OTHER ITEMS OF MUTUAL INTEREST

FOR FURTHER INFORMATION, CONTACT:
City Hall at 627-1225

Equal Opportunity Statement

The City of Kirksville does not discriminate on the basis of race, color, national origin, sex, religion, age or disability status in the provision of services.

**Bioenergy Conference
(Professional Educator Training)
Kirksville, Missouri (Truman State University)
December 5, 2008**

Program Agenda

7:30 A.M. – 7:50 A.M. Registration; Coffee & Donuts

7:50 A.M. – 8:00 A.M. Welcome and Program Overview

8:00 – 8:45 A.M. Renewables Keynote Address/Outlook for Cellulosic Ethanol & Grassy Biomass, *Dr. David Bransby, Auburn University, Auburn, Alabama*

8:45 – 9:30 A.M. Woody Biomass, *Dr. Gregg Johnson, Southern Research/Outreach Center, University of Minnesota*

9:30 – 10:15 A.M. National and Midwest Wind Energy Overview, *Harry Kemker, Kemker & Associates, Largo, Florida*

10:15 – 10:30 A.M. Break

10:30 – 11:15 A.M. Financing Alternative Energy Projects, *Thomas Suffield, Cedars Capital, LLC, Houston, Texas*

11:15 – 12:00 P.M. Making Green Happen in Your Community, *Dan Chiles, City Councilman, Springfield, MO and David Coonrod, Presiding Commissioner, Greene County, MO*

12:00 P.M. – 1:00 P.M. Lunch (Invited: Honorable U.S. Senator Claire McCaskill)

1:00 – 1:50 P.M. Breakout Session #1 (Choose 1)

- 1.1 Miscanthus as a Grassy Biomass Crop, *Dr. Jack Juvik, University of Illinois*
- 1.2 Landowner Leases for Wind Energy, *Thomas Feigney, Steven S. Toepfich and Associates, PLLC*
- 1.3 Woody Biomass Crops for the North Central Region, *Dr. Gregg Johnson, University of Minnesota, Dr. Hank Stelzer, University of Missouri, and Roger Korenberg, Missouri Department of Natural Resources*
- 1.4 The Chariton Valley Biomass Project: A Case Study, *Bill Belden, Prairie Lands Bio-Products, Inc.*

2:00 – 2:50 P.M. Breakout Session #2 (Choose 1)

- 2.1 Miscanthus as a Grassy Biomass Crop [REPEAT], *Dr. Jack Juvik, University of Illinois*
- 2.2 Developments in Switchgrass as a Biomass Crop (or other topic), *Dr. John Hay, University of Nebraska*
- 2.3 Wood Waste Products as Biomass Sources, *Dr. Gregg Johnson, University of Minnesota, Dr. Hank Stelzer, University of Missouri, Roger Korenberg, Missouri Department of Natural Resources*
- 2.4 Financing Bioenergy Projects: A Case Study, *Thomas Suffield, Cedars Capital, LLC, Houston, Texas*

3:00 – 3:50 P.M. Breakout Session #3 (choose 1)

- 3.1 Grassy Biomass Topic, *Dr. David Bransby, Auburn University, Auburn, Alabama*
- 3.2 Landowner Leases for Wind Energy [REPEAT], *Thomas Feighney, Steven S. Toepich and Associates, PLLC*
- 3.3 Financing Bioenergy Projects: A Case Study [REPEAT], *Thomas Suffield, Cedars Capital, LLC, Houston, Texas*
- 3.4 Bio-entrepreneurship Case Study: Pelletizing Biomass, *Steve Flick, Flick Seed Company, Kingsville, MO*

4:00 -4:50 P.M. Up and Running – Projects of Interest, *Steve Flick, Flick Seed Company, Kingsville, MO and Bill Belden Prairie Lands Bio-Products Inc., Iowa*

4:50 – 5:30 P.M. – Wrap-Up Q&A Panel (*All Speakers, Dr. Bransby, moderator*)

5:30 P.M. Program Concludes

Saturday December 6, 2008

8:00-9:00 a.m. (Optional) Tour of “Bulldog Biodiesel” (small scale waste vegetable oil processing operation. (<http://bulldogbiodiesel.truman.edu/>))

9:00 - 5:00 (Optional) Missouri Livestock Symposium (MLS) – Renewable Resource Section – FREE – see MLS program at <http://www.missourilivestock.com/>

Community Services Director - Kirksville, Missouri – The City of Kirksville seeks a highly motivated, people oriented person looking for a challenging field in community development. Duties include a variety of supervisory, administrative, and professional work in the development and implementation of community development programs, preparation and dissemination of public information both to citizens and media, the development of recreational programs, and facility maintenance. Preferred qualifications include a bachelor's degree in public or business administration, park and recreation administration, or closely related field and five years of progressively responsible experience. Salary \$47,477 plus excellent benefits. Send resume and cover letter to Pat Meredith, Human Resource Director, City of Kirksville, 201 S. Franklin St., Kirksville, MO 63501. Position remains open until filled.
EEO Employer m/f, vets/disabled

Open Meeting for Mayors, City Councils, Board Members, City Managers and City Administrators

The Northeast Regional Office of the Missouri Department of Natural Resources is holding an open meeting to answer questions that city government and management may have concerning their water and wastewater systems. The objective of this meeting is to provide information to city officials about:

- Current regulatory requirements
- New and upcoming regulations and needs that may impact the facility
- Permit requirements and permitting process
- Monitoring and reporting requirements
- Additional system requirements

When: October 21, 2008, from 6:00 - 8:00 p.m.

Where: Northeast Regional Office at 1709 Prospect Drive, Macon, MO

Cost: Free

Credit Hours: *No operator certification hours will be awarded for this meeting.*

If you have additional questions, please contact Troy LaLond or Travis Boss at 660-385-8000.



September 15, 2008

HONORABLE MARTHA ROWE
MAYOR OF KIRKSVILLE
201 S FRANKLIN ST
KIRKSVILLE, MO 63501-3514

Re: Hearings

The primary mission of the Missouri Housing Development Commission (MHDC) is to increase housing opportunities for low and moderate income families in the State of Missouri. We do this by offering low interest loans and grants and federal and state housing tax credits to developers who agree to rent all or a portion of their units to low and moderate income households. Housing opportunities are also provided through the Missouri Housing Trust Fund.

The staff is now reviewing applications for Multifamily Financing, Low Income Housing Tax Credits, and the Missouri Housing Trust Fund. Applications were submitted by developers in response to a June 2008 MHDC Notice of Funding Availability (NOFA). Each applicant should by now have notified the chief elected official and local community organizations of the application, and as part of this review, we also solicit your comments and those of your constituents regarding proposals in your jurisdiction. We are available to describe the proposal and explain the financial assistance being requested from MHDC, if you wish to contact us.

MHDC is required to publish a notice in a newspaper of general circulation in the pertinent community to make the public aware of the proposed development and invite them to comment to MHDC or the chief elected official regarding their views. Such notices will be published within the next 30 days.

These notices will also inform the public of regional hearings to be held in Springfield on October 30, 2008; in Kansas City on November 3, 2008; in St. Louis on November 4, 2008; and in Columbia on November 5, 2008. At these hearings the staff will present information regarding the proposals submitted for each region and accept comments from the public.

Attached you will find cursory information regarding all proposals submitted. If you wish to discuss these proposals please call me at (816) 759-6656.

We welcome written comments from you and your constituents regarding the proposal(s) in your jurisdiction and advise you that proposals will be brought before the MHDC Board of Commissioners on December 19, 2008, for consideration.

Sincerely,

Pete Ramsel
Executive Director

PR / jt
Attachments

Matt Blunt

Governor

Peter Kinder

Lieutenant Governor

Sarah Steelman

State Treasurer

Jay Nixon

Attorney General

**Claudia L.
Oñate Greim**

Chairman

**Richard F.
Baalmann Sr.**

Vice Chairman

Cale Bradford

Secretary - Treasurer

Loren Cook II

Commissioner

Robert C. Fulp

Commissioner

Bill Luetkenhaus

Commissioner

Pete Ramsel

Executive Director

Kansas City

3435 Broadway

Kansas City, Missouri

64111

v. 816.759.6600

f. 816.759.6828

tty. 816.759.6839

St. Louis

4625 Lindell, Suite 300

St. Louis, Missouri

63108

v. 314.877.1350

f. 314.877.1360

tty. 314.877.1303

www.mhdc.com

City of Kirksville

<u>Project Number</u>	<u>Developer's Name & Address</u>	<u>Development's Name & Address Type</u>	<u>Building(s) Type</u>	<u>Units & Rents</u>	<u>Financing Type Lender / Loan \$ / % Rate / Amort. Mo.</u>
<u>09-015</u>	<u>GARDNER DEVELOPMENT, LLC</u> 1414 E. Primrose, Suite 100 Springfield, MO 65804-4290 Tammi Creason	<u>TRAVELERS HOTEL APARTMENTS</u> 301 W. Washington Street Kirksville, MO 63501-2875 Adair County Acquisition/Rehab/Conversion Family	Single Family 2 Story Row Duplex with Party Wall Single Story Row Walk Up Apartments Elevator <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Total Units: 34</u> 16 - 1 BR: \$375 10 - 2BR: \$399 8 - Market Units	Fed TC - \$ 528,676 & State TC - \$ 528,676
<u>09-055</u>	<u>NORTH EAST COMMUNITY ACTION CORPORATION & LRG CONSULTING</u> 16 North Court Bowling Green, MO 63334-1534 Carla Potts	<u>KIRKSVILLE APARTMENTS L.P.</u> 2201 Normal Kirksville, MO 63501-3306 Adair County Acquisition/Rehab Family	Single Family 2 Story Row Duplex with Party Wall Single Story Row Walk Up Apartments Elevator <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Total Units: 18</u> 8 - 1 BR: \$307 5 - 2BR: \$370 - \$375 5 - 3BR: \$450	Fed TC - \$ 144,000 & State TC - \$ 144,000
<u>09-057</u>	<u>NORTHEAST MISSOURI COMMUNITY DEVELOPMENT CORPORATION</u> 1011 South Jamison Kirksville, MO 63501 Penny Miles	<u>FJELD ARMS</u> 2016 N. Florence Place Kirksville, MO 63501 Adair County Acquisition/Rehab Elderly	Single Family 2 Story Row Duplex with Party Wall Single Story Row Walk Up Apartments Elevator <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<u>Total Units: 60</u> 60 - 1 BR: \$410	HOME / \$1,437,321 / 1.00% / 360 mo. Fed TC - \$ 281,587 & State TC - \$ 281,587
<u>09-054</u>	<u>PREFERRED FAMILY HEALTHCARE</u> 900 East Laharpe Kirksville, MO 63105-0000 Mike Schwend	<u>ELIZABETH APARTMENTS</u> Elizabeth And Ostpathy Drive Kirksville, MO 63 01-100 Adair County New Construction Family	Single Family 2 Story Row Duplex with Party Wall Single Story Row Walk Up Apartments Elevator <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<u>Total Units: 20</u> 8 - 1 BR: \$300 4 - 2BR: \$350 8 - 3BR: \$475	Fed TC - \$ 349,000 & State TC - \$ 349,000



Southside Baptist Church

BIBLICAL PREACHING ~ CARING PEOPLE ~ GROWING MINISTRY

Sept. 2, 2008

Pastor:
Aaron Rodgerson

Church Address:
1010 West Burton St.
Kirksville, MO 63501

Church Phone:
(660) 665-0050

For we walk
by faith,
and not by sight.
II Cor. 5:7

To Kirksville City Council Members,

September has arrived and we are once again reminded of the terrible atrocities that took place in September of 2001. It is because of this reminder that we at Southside want to renew our own commitment to "Never forget". We remember those who so bravely served our country on Sept. 11, 2001 and those who continue to serve our country each and every day at home in the US and abroad. The families of Southside would like to thank you for your continued protection and distinguishable service to our community. We would like to honor all of you Sunday Oct. 5, 2008 at 10:00 am at our church located at 1010 West Burton St. in Kirksville. This will be our church's seventh year to have our special *Red, White, and Blue Sunday* honoring all those in our Military, Law Enforcement agencies, all of our Emergency and Fire Department agencies, our Prosecutors, our Judges, our Mayor and elected officials.

Our purpose for this day is to show our respect and support for you, and to offer our spiritual support. We have a gift for each service person in attendance. Our desire is to recognize each "minister of good" as the Bible refers to you as, and honor them. We gratefully request your presence at our *Red, White, and Blue Sunday*, October 5, 2008 10:00am. Please come in full dress uniform if at all possible and bring your families as well.

We hope to see you all on this special day.

Sincerely,

Pastor Aaron Rodgerson

AN IMPORTANT DATE FOR YOUR CITY UTILITY

A Brief Introduction To The FTC's Red Flag Rule

by Douglas L. Healy

November 1, 2008. While that date may not have any significance to your municipal utility, it should because of a new rule by the Federal Trade Commission (FTC). This new rule, 16 CFR §681 (the "Red Flag" rule), will require all creditors, including municipal utilities, to actively look for identity theft, with a compliance date of November 1, 2008.

This rule stems from the Fair and Accurate Credit Transactions (FACT) Act of 2003. Part of the FACT Act amended the Fair Credit Reporting Act (FCRA), which in turn, over a period of five years, required the Federal Trade Commission (FTC) to promulgate 16 CFR §681. The rule has been referred to as the "red flag" rule because of the requirement that creditors actively look for "red flags" that indicate identity theft or fraud is occurring. This rule will require all creditors, including municipal utilities, to develop a written Identity Theft Prevention Program (Program) that includes reasonable policies and procedures to address the risk of identity theft to its customers. Those who fail to comply with the rule could face penalties in federal court of up to \$2,500 for each violation, and states are also authorized to bring actions in state court against non-complying creditors. An additional concern is that this rule will potentially open up civil litigation to recover damages that could have

This rule will require all creditors, including municipal utilities, to develop a written Identity Theft Prevention Program ...

been prevented by utilities who failed to comply.

Who Has To Have A Program?

Under the rule, institutions that offer or maintain one or more "covered accounts" must put a Program in place. A covered account is "(1) an account primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, or (2) any other account for which there is a reasonably foreseeable risk to customers or the safety and soundness of the financial institution or creditor from identity theft."¹ This encompasses municipal utilities, whether the utility offers water, sewer, electric, gas, or broadband service, that hold customer accounts for the monthly payment of utility services. Utilities, like many institutions, regularly collect billing addresses, social security numbers, dates of birth, and other information that is sought out by identity thieves. As a depository for all the information that an identity thief needs to steal a person's identity or to create a fraudulent identity, utilities become targets

for people who wish to have access to this information. Unfortunately, many utilities do not have policies or procedures in place to protect this valuable information; this rule will require such a plan.

What Do I Have To Do To Create A Program?

To comply with the rule, the most important step is that your utility develops a written Program to ensure compliance with the rule. The rule makes no exceptions based on the size of the creditor, but the Program must fit with the organization's complexity and resources; in other words, a utility with 500 customers will be held to a different standard than a utility with 20,000 customers. The Program should be focused on discovering and addressing "red flags," which are "patterns, practices, and specific forms of activity that indicate the possible existence of identity theft."² Examples given by the FTC of "red flags" include accounts with low activity that unexpectedly show higher consumption, a consumer report that shows fraud or other alerts, identification documents that appear to have been forged, mail that cannot be delivered to the listed address, or other unusual activity regarding the setting up of the account or maintenance of the account. The FTC has identified 26 "red flags" in Appendix A of the rule that should alert a utility to possible fraud or theft. These "red flags," while

 <p>The Missouri Company serving you locally since 1968</p>	<ul style="list-style-type: none">▶ Ordinance Codification▶ Update Service▶ Legal Review▶ Sample Ordinances▶ Code Watch (legislative review)	<ul style="list-style-type: none">▶ Code On Computer: Word or WordPerfect, QuickCode (folio infobase), Code-on-Line▶ Document management solutions for all City records	
	<p>For more information: 13610 Barrett Office Dr. Suite 202, Manchester, Missouri 63021 voice:314 775 0092 fax:314 775 0094 mail@sullivanpublications.com</p>		

given as examples, should help utilities in their assessment of their operations and potential vulnerabilities.

A compliant Program must include four basic elements, as follows:

- (1) Identify relevant "red flags" for your system that would indicate possible fraudulent activity or theft for covered accounts;
- (2) detect "red flags" that are recognized as signs of possible fraud or theft;
- (3) respond appropriately to those "red flags" once they occur; and
- (4) ensure that the program is periodically updated to reflect best practices and a changing environment.³

These four elements must all be addressed in the Program. Utilities can examine Appendix A of the rule to see which examples given apply to them; however, utilities should also be mindful of possible activity not listed that should warn them of an incident of identity theft or fraud. After determin-

ing what your "red flags" should be in your system, the Program should describe how these "red flags" will be detected in day-to-day operations. Once the "red flag" is detected, the utility should give direction to its employees as to what level of response is appropriate. Some responses may call for notice to be given to the customer that someone may be attempting to assume their identity, while other responses may simply call for noting the incident for future reference. The level of response should correlate to the severity of the "red flag." The fourth element calls for the Program to be periodically updated and examined, to ensure that the Program reflects current operations and best practices.

To prepare a Program that meets the requirements of the rule, utilities will need to designate a senior manager or board member to oversee the committee or employee group developing and implementing the Program. Additionally, the Program, once developed, must be approved by the utility's governing body, or at a minimum, by the general

manager. The key points are that the Program must be in writing, must have a designated person or body overseeing the development of the Program, and have the appropriate approval to be implemented. I would encourage utilities that have a Program to document the steps they took in compiling and implementing the Program.

How Do I Maintain My Program?

The rule, beyond requiring creation of a written Program, also requires that the Program be updated periodically. Most utilities will want to review their Program on an annual basis to see which business practices have changed and which new privacy threats need to be addressed. The person responsible for the creation and management of the Program should be responsible for the annual updating of the Program, and for an annual performance review of the Program to see that it is being followed by employees. Additionally, the Program administrator is charged with seeing that employees who interface

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with covered accounts are trained to implement the Program.

How Do I Get This Done?

While a local municipal utility may not have a plan in place to protect its customers from identity theft, it probably already has policies and procedures regarding customer accounts and security. For example, many utilities already have policies in place regarding the payment of accounts. These policies and procedures can be used as a starting point in developing a Program. Utilities should identify the key personnel in their operations who manage customer information and have them create the Program, or even use outside consultants such as the attorneys or accountants who they rely on for professional expertise to assist them in developing their Program. Reviewing existing policies and comparing them to the examples of "red flags" given in the rule will help utility personnel to examine their operations, and to consider how they may pro-

vide better customer protection. The process of creating a written Program was intended to require utilities, like other creditors, to think through their processes of obtaining and managing customer information, and to develop strategies on how to better protect customer information.

This rule is intended to reduce identity theft. Those who have experience with identity thefts are aware of how costly, time consuming, and frustrating identity theft can be to the victim. The FTC found in a January 2006 study that only credit card account fraud exceeded identity theft and fraud occurring in utility accounts.⁴ Part of operating a good business is protecting your customers and their personal information, and municipal utilities should take all practical steps to ensure that their customer information is protected.

For more information: <http://www.ftc.gov/opa/2007/10/redflag.shtm>; http://www.conetrix.com/files/IITPP_Regulation.pdf; [http://www.conetrix.com/files/questionscanbere-](http://www.conetrix.com/files/questionscanbereferred)

[ferred to RedFlags@ftc.gov](mailto:RedFlags@ftc.gov); or by calling 1-877-FTC-HELP (1-877-382-4357). □

Douglas L. Healy is the general counsel and director of member relations for the Missouri Public Utility Alliance (MPUA) and the Missouri Association of Municipal Utilities (MAMU). Those entities are headquartered in Columbia, Missouri, and their website can be found at www.mpu.org. Prior to serving as general counsel for MPUA, Doug had served as the senior attorney in the Greene County Prosecutor's Office Property Crimes Division, where he investigated and tried identity theft cases. While at Greene County, Doug completed the FBI's Identity Theft training course. Doug also served as the chief of staff to the chair of the Missouri Public Service Commission, which regulates investor owned utilities in the state.

Foot Notes

¹ 16 CFR §681.2(3)

² 16 CFR §681.2(9)

³ 16 CFR §681.3(d)

⁴ "Consumer Fraud and Identify Theft Complaint Data January - December 2005," FTC, January 2006.

Stop Your Sobbing—Now

WILL BOWEN TAKES “UNCOMPLAINING” TO AN EXTREME. Bowen doesn’t gripe about anything, ever. A reporter asks, “How are you doing?” “Great!” he answers. “Can’t complain.”

Really? You can’t complain? What do you do when your car breaks down? “I call the mechanic and ask him to fix my car.” How about when something terrible and unfair happens for no reason? Everything happens for a reason, Bowen responds. “Absolutely. In my theology, that’s what I believe.” When he climbs into the pulpit of his church in Kansas City, Mo., each Sunday, he shouts, “God is good!” and the congregation shouts back, “All the time!”

Complaining has become such an automatic response to life’s little setbacks that people don’t even realize they’re doing it, Bowen says. Eighteen months ago, he was preaching a sermon on prosperity and

was inspired to give a purple rubber bracelet to each person in his 280-member congregation. The bracelet, which says SPIRIT, was to remind people of the hazards of complaining. Negative talk produces negative thoughts; negative thoughts produce negative results, says Bowen. To live a happy and prosperous life, you have to stop complaining. To his flock, he submitted this challenge: stop complaining for 21 days. Put on the bracelet, and each time you hear yourself

complain, switch the bracelet to the other wrist and start the clock over. It took Bowen three months to stop complaining; other churchgoers took much longer. Since that summer sermon, God has been very, very good to Will Bowen. Local news organizations picked up his story and Bowen wrote a book, now in its seventh printing. He went on the “Today” show and then on “Oprah.” His church has mailed 5 million purple SPIRIT bracelets all over the world and continues to do so at a rate of 25,000 to 50,000 per week.

Positive thinking is hardly new among American Christians—Norman Vincent Peale was a Protestant minister—but it’s finding a newly receptive audience. Last month Kerry and Chris Shook, a husband-and-wife team

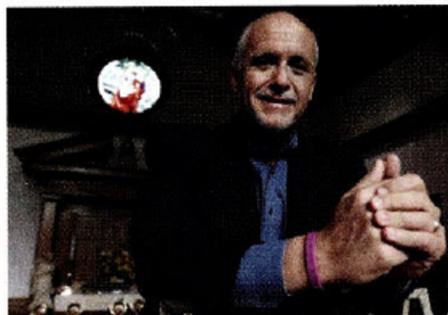
who run The Woodlands, a megachurch near Houston, published their book “One Month to Live.” The book doesn’t advocate a complaint-free existence, exactly, but it offers a program to help people treasure each day. “If you live the next 30 days as if they were your last, you won’t be wasting time, you won’t be complaining, you won’t be thinking, ‘If only I had this, if only I had that,’” says Kerry. “One Month to Live” climbed to No. 3 on the New

York Times’s self-help best-seller list, where it has stayed for the past two weeks.

To those for whom complaining itself is a kind of religion, and who believe that efforts to sweep away negative thoughts with bracelets and 30-day programs are shallow and irritating, consider this: psychologists recommend similar tricks to their patients who need a walk on the bright side. “In cognitive behavioral therapy, there’s a technique called ‘thought stopping,’” in which a therapist

helps a patient replace a negative thought with a positive one, says Susan Vaughan, a psychiatrist at Columbia University. Even in a case of an injustice, “I would have you not complain because it won’t actually help your mental health, it will make you feel worse, and people will react negatively to you.”

Dr. Laura Schlessinger would disagree. In her new book, “Stop Whining, Start Living,” Dr. Laura insists that a few things are worth complaining about: in those cases, complain, make it short and move on. Life is “crappy and unfair,” but it’s also full of blessings. In an interview, Dr. Laura describes the key to happiness as an ability to “balance the beauty with the bulls--t”—a motto that merits a spot in the homespun-aphorism hall of fame.



‘CAN’T COMPLAIN’: Bowen at his church

When he climbs into his pulpit on Sundays, Bowen shouts ‘God is good!’ and the people shout back, in unison, ‘All the time!’

From: Ron Gaber [mailto:RGaber@atsu.edu]
Sent: Tuesday, September 23, 2008 11:57 AM
To: Steve Bell
Cc: citycouncil@kirksvillecity.com
Subject: Thank You

Hi Steve,

I heard on the radio today that you are leaving the community:(I am sad to hear that. You have had such wonderful impact on our community and especially in Parks and Recreation. You had the unique ability to form partnerships and make things happen. I have seen more positive physical and programmatic changes in Kirksville since you have been here than I have seen in 20 years. You really will be missed! Please let me know if I can help you in any way and I hope we are able to see each other before you leave.

Cordially,

Ron

Ron Gaber, Ed.S.
Vice President for Student and Alumni Services
Associate Professor
A.T. Still University
800 West Jefferson
Kirksville, MO 63501
660.626.2236 (W)
rgaber@atsu.edu



Housing Authority of the City of Kirksville

P. O. Box 730, 100 Valley Forge Drive
Kirksville, Missouri 63501
www.kvhousing.org

Telephone 660-665-8539 (Voice and TDD)
Fax 660-665-1308
Email hack@cablene.net

Mari Macomber
City Manager
City of Kirksville

Dear Mari:

The residents of Village 76 would like to thank you, the Public Works Department, the Transportation Committee, and the City Council for the new street surface on Valley Forge Drive. It has improved the looks of our community so much. It is a pleasure to walk or ride our wheel chairs to the community center on a clean, safe and smooth surface.

Sincerely,

Ruth Carter

Ruth Carter, Resident Commissioner
And fellow Residents of Village 76

Cheryl Coul
Brenda Finney
Kathleen Lowe
Sarah Lowe
Beverly Kuesner
Vernard Kuesner
Norma Casner
Dilbert Williams
Havis Young
Mary Ma Donald
Rick Belzer
Chark Lanich

Alma Hatter
JAMIE GRAHAM
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KCOM Thompson Campus Center

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September 17, 2008

Steven Bell
604 College Park
Kirksville, MO 63501

Dear Steven,

Thank you for your time and support of the 2008 Northeast Missouri Triathlon. On behalf of Dan and Lynda, we really appreciate your help. The competitors commented over and over how well organized we were, how helpful and friendly the volunteers were and how much they look forward to returning to Kirksville for the next Nemo triathlon.

We are so grateful for your commitment to this event to this event. We had great swim course coverage because of you. We are planning for the same weekend after Labor Day, Sept. 13th, in 2009 and we would like to count on your help again. We attribute efforts like yours to the tremendous success of this race. Thanks for adding to the quality of the triathlon in Kirksville. We invite your suggestions and feedback; please contact Dan or Lynda (626-2213) at the ATSU-KCOM Thompson Campus Center.

Thanks Sincerely,


Dan Martin and Lynda Crossgrove
NEMO Triathlon

Thanks Steve!

*Steve -
We are so grateful that you
are involved. We could
not do this without you
Thnx!!
Dan*

Rick
McKernan

Mark Krueger

Rick Steele
John B. ...

VICE PRESIDENT
Celia ...

Steve ...
Henry Schoop
Donna R

"FOURTH OF JULY
COMMITTEE"

Mari, Council Staff: 9.15.02

This note is quite tardy... but, no less sincere! Thanks so much for the financial contribution for the Fourth of July fireworks. Thanks also to all of the Great City staff for all of the extra help & attention given to make the festival a huge success for our community. Keep up the good work for our Great Community. Celia

From: Dan Yager [mailto:d.yager@sbcglobal.net]
Sent: Thursday, September 11, 2008 5:00 PM
To: Sarah Halstead
Subject: Tree Removal Followup

I just wanted to send a short note thanking you for removing the tree on Shelby street that has been a problem for so long. What a difference. Thanks.

Dan Yager