

KIRKSVILLE CITY COUNCIL NEWSLETTER . . .

Mari E. Macomber, City Manager MEM

Copies to: City Attorney
Media

January 12, 2007

SUBJECTS:

**DATES TO REMEMBER
COUNCIL FILING
ENFORCEMENT QUESTION
SEMI ANNUAL REPORTS
ESSENTIAL AIR SERVICE
TORNADO SPOTTER TRAINING**

ATTACHMENTS

DATES TO REMEMBER – for December

**18th – City Manager will be in training in Columbia all day
18th – Watershed Management Commission Mtg @ 5:30 p.m.
19th – State of the City Address at County Annex 7:30 a.m. refreshments
21st – Chamber Annual Banquet @ 6:30 p.m.**

COUNCIL FILING – As of 5:00 p.m. on the last day of filing, there were four individuals who completed the paperwork filing for the two city council positions. The individuals are Kevin A. Alm, Tom Mayer, Aaron Rodgerson and Charles Cannaday.

ENFORCEMENT QUESTION – At the last Study Session there was some discussion regarding the enforcement of the smoking ban ordinance if it were to go into effect. As noted in the meeting, city staff will be required to enforce ordinances when and if violations occur, and with any new ordinance there is a learning period that would accompany it. Included is a brief summary of the enforcement approach that would be implemented by the Kirksville Police Department.

SEMI ANNUAL REPORTS – Chapter 105.145 of the Missouri Revised Statutes requires the City to publish a financial report. This report is available on our website at the address that follows. <http://www.kirksvillecity.com/Finance/Semi-Annual%20Financial%20Statements.pdf>. The City will provide a semi-annual report and an annual report, which will be available on the website for citizens to review.

ESSENTIAL AIR SERVICE – Mesa Airlines representative Jeff Hartz was asked today about the Chicago flights and possible impact on essential air service. Mr. Hartz stated that the flights were incidental legs (Kirksville to Quincy trip) and would not affect our essential air service. Mesa is planning to start the Chicago leg on February 1. This is a trial service. Mesa will want to evaluate the ridership before choosing to retain the service or not. Mesa Airlines will be planning a grand opening celebration sometime in mid-

February. As of the first two weeks of January, we have had 135 passengers for the first 12 days of the month for an average of 11.25 passengers. We had a total of 233 passengers for all of January last year for an average of 7.52 passengers. We will monitor the passenger numbers for this month, especially with the weather conditions that we have had recently.

TORNADO SPOTTER TRAINING – The Adair County Local Emergency Planning Committee and Kirksville Fire Department will be sponsoring a 2007 Sky WARN Tornado Spotter Training program to be held on Wednesday, March 7 at 6:30 p.m... The event will take place in the Mehegan Classroom of the Gutensohn Clinic. The program will be presented by a member of the National Weather Service of Pleasant Hill, Missouri. There is no cost for the program. Registrations must be made by March 3 and will be taken at the Kirksville Fire Department.

Attachments

- Enforcement Response – pgs.3-4
- Sales Tax Report – pg. 5
- Chicago Flight Information – pg. 7
- MML Legislative Bulletin – pgs. 9-10
- Humane Society Report – pg. 11

Enclosures

- GIS Annual Report – pgs. 13 -19

RESPONSE TO ENFORCEMENT

The Police Department (PD) has participated in a number of conversations, over the last year, concerning general enforcement issues associated with the smoking ordinance. Some of these conversations occurred before the proposed ordinance was in its current form.

In an attempt to clarify the stand point of enforcement, I would offer the following. As a word of caution, it will be hard to put years of enforcement philosophy into a two page synopsis, but I will do the best I can. I would be more than happy to expand on this brief, in person, if anyone is interested.

The PD takes its direction from the City Manager (through policy direction from the City Council). As long as it is not illegal or immoral, we serve the community through this guidance, or more directly through ballot initiatives. If a smoking ordinance is enacted, the PD will do everything it can to see that it is successful. However, it would be disingenuous not to pass on; that with our current staffing, we are not exactly jumping up-and-down with excitement at adding a new responsibility to our already full plate, that could put us further at odds with a fairly large segment of the community. But, you could probably say the same thing about many new laws that are enacted.

It has always been the stated intent of the Police Department to initially enforce a proposed smoking ordinance on a complaint basis. However, I have made it known, including in a previous Council meeting, that you can not expect officers to disregard a violation of law that occurs in their presence (whether inside or outside of an affected business). Based on the totality of circumstances, that officers are presented with at any point in time, this statement does not imply that an officer will automatically take enforcement action for every such violation (including smoking). In fact, I can guarantee that they will not. However, in my opinion, any law (that passes constitutional muster), that is restricted by official policy in its ability to be enforced, establishes a bad precedence and puts officers in a terrible position. Government should not promise its citizens that officers will routinely disregard any violation of law. If so disposed, it would be my position, that the very nature of this point of view is proof that the law (or particular provision) is unnecessary.

Now, with that said, there is a concept known as reasonableness. There are thousands of laws on the books. By necessity, and individual community expectations, officers exercise discretion every day. For example, they do not stop every traffic violator they observe (if they did, they would not make it 10 blocks in a shift, and nothing else would get done). Officers look at hundreds of factors that make that incident unique, and then make a decision whether a contact/stop is warranted. If a stop/contact does occur, there are just as many unique factors that come into play to determine if the violator will receive a summons (or some other legal action).

Although the community at large has the ultimate say-so, I believe that the PD is very reasonable and has a solid track record of not over reacting. I see no reason for that not to continue in regard to this matter.

It has always been our intent, as it is in most similar circumstances, to focus initial efforts on education. However, even in this warning period, there may well be situations where officers are confronted by events where a summons, or arrest, is the most appropriate course of action.

Before I close I want to make certain everyone understands that this is our position at this point in time. With any new statute there is often a steep learning curve for everyone. I do not anticipate this being any different. We may need to change. As an example, I have discussed enforcement with a colleague in Boulder, Colorado. She is the head Environmental Enforcement Officer who oversaw that cities smoking ordinance from start to finish (although it will probably never really be finished). She advised that they also started out with a complaint based enforcement strategy. It did not work. They were forced to move to a

proactive strategy that worked better for them. We are a different community. I still believe our approach is the right one to take. However, it is important to go on record that there may come a time when we are forced to change how we handle things.

SALES TAX COLLECTIONS BY FISCAL YEAR
One Cent General Sales Tax

	2003/2004	2004/2005	2005	2006	2007
January	187,958.67	179,410.83		185,123.44	201,467.60
February	79,376.94	67,108.84		96,634.04	
March	308,888.10	306,530.87		322,180.50	
April	154,047.00	176,521.54	195,655.59	214,395.10	
May	56,474.84	65,360.86	59,159.40	42,975.59	
June	267,149.34	301,897.06	308,001.22	332,297.08	
July	183,798.47	186,538.96	190,611.14	219,132.32	
August	73,305.14	70,760.18	66,012.88	84,424.76	
September	236,150.23	301,195.71	311,884.76	313,225.26	
October	248,789.17	193,208.43	219,075.90	212,575.62	
November	77,428.75	63,603.21	129,776.12	71,710.31	
December	286,054.01	309,266.07	253,015.27	309,706.14	
TOTAL	<u>\$2,159,420.66</u>	<u>\$2,221,402.56</u>	<u>\$1,733,192.28</u>	<u>\$2,404,380.16</u>	<u>\$201,467.60</u>

With the January 2007 distribution, collections are **8.83%** higher than the amount received for January 2006.

January 2007 in comparison to January of the following fiscal years shown:

FY 2004/2005	+ 12.29%
FY 2003/2004	+ 7.19 %

Flights from Kirksville – Chicago
Beginning February 1, 2007

www.mesa-air.com

Flight	Departs	Time	Arrives	Time
660	Kirksville (IRK)	8:50 a.m.	Chicago (MDW)	10:35 a.m.
661	Chicago (MDW)	11:00 a.m.	Kirksville (IRK)	12:45 p.m.
662	Kirksville (IRK)	6:10 p.m.	Chicago (MDW)	8:00 p.m.
663	Chicago (MDW)	5:35 p.m.	Kirksville (IRK)	7:20 p.m.

Flights 660 and 661 are Monday – Saturday and Flights 662 and 663 are Sunday – Friday.



MISSOURI
MUNICIPAL
LEAGUE

"Building better municipalities
through united action since 1934."

No. 1

94th General Assembly
(First Session)

January 12, 2007

When the Missouri General Assembly convened on January 3, legislative leaders emphasized the following priorities: sale of MOHELA assets to finance construction of university buildings, Medicaid reform, and state tax reductions. Other key issues include: restrictions on automated dialing political ads, use of force to protect personal property, and school vouchers.

The key municipal issues appear to be clarification of the new state minimum wage law on municipal employees, telecom taxation, state video franchising, TIF modifications and barriers to annexation. We will have sessions on these issues at the MML Legislative Conference on February 21-22 at the Jefferson City Capitol Plaza Hotel. Also, future *Legislative Bulletins* will provide more detailed information on these issues.

Although the legislature has a heavy agenda ahead of them, many bills of municipal interest have already been filed, some with potential damaging impacts to municipalities. Please be alert to *Legislative Bulletins* and *Legislative Alerts* notifying you when it is appropriate to contact your legislators. Keep the League informed of your legislative activities by notifying us when you are meeting with legislators and if you plan to testify on an issue. Also, send copies of legislative correspondence and replies to League headquarters. Cities are strongest when they speak with a unified voice. You have the ability to show legislators how the decisions they make in Jefferson City impact your community. Together, we can strengthen the voice of cities, keeping decision making on local issues at the local level.

DOL CLAIMS NEW STATE MINIMUM WAGE AND OVERTIME LAW APPLIES TO MUNICIPALITIES

... The Missouri Department of Labor claims that the new state minimum wage and overtime law applies to municipalities, requiring all employees to receive at least \$6.50 per hour and time-and-one-half pay or comp time for all hours over 40 per week (including police and firefighters!). The overtime for firefighters could bankrupt municipalities and fire districts. The Missouri Constitution Article 6, Section 22 states that "no law shall ... fix ... the compensation of any municipal employment for any city adopting a charter" and Article X, Section 21 prohibits state mandated costs on cities. The MML's personnel law specialist, Ivan Schraeder, researched the new law for us and concluded that the new law does not cover governmental agencies because the definition of the term "employer" does not include "municipal corporations." What a mess!

We have worked with the fire districts and law enforcement groups to draft emergency legislation to clarify this issue. Senator Gross has filed S.B. 249 which would exempt political subdivisions from the overtime provisions. It appears that the fire unions and FOP will be supportive. Legislative leaders and the Governor's office have assured us of their support.

Also, St. Louis Attorney Kevin O'Keefe will file a lawsuit for the MML and individual cities to ask the courts to affirm the governmental exemption to the overtime provisions. We will keep you informed of developments.

TELECOM TAX LEGISLATION H.B. 165 (Cooper) and S.B. 209 ... (Griesheimer) attempt to reinstate the ill-fated H.B. 209 that was ruled unconstitutional by the Missouri Supreme Court. The bills dismiss all city lawsuits against landline and wireless telecom companies for back taxes (seven years worth, plus interest and penalties) for the payment of a mere three months taxes at a reduced rate (no penalties or interest). The bills prohibit cities from filing class action lawsuits against telecom companies. The Department of Revenue would be authorized to reduce city gross receipts tax rates. All telecom companies, including wireless companies, pay the tax quarterly at the reduced rates. The Department of Revenue would collect the tax and retain a collection fee. All protested taxes would be returned to the company and credited to the customers if the customers are still customers of the company (otherwise the company would keep the protested taxes). These bills are an insult to municipal government officials and we will need to lobby hard to amend or defeat them.

MML LEGISLATIVE CONFERENCE - LAST REMINDER ... We hope you plan to attend the MML Legislative Conference on February 21-22 at the Jefferson City Capitol Plaza Hotel. Featured speakers include Senate President Pro Tem Mike Gibbons (invited), Governor Matt Blunt (invited) and Attorney General Jay Nixon (invited). Registration material already has been mailed to each municipality, but additional registration forms are available from League headquarters or on the MML Web site. Rooms are also available at Truman Hotel (573-635-7171). We look forward to seeing you in Jefferson City with a large delegation from your municipality.

BILLS OF MUNICIPAL INTEREST

SALES TAX EXEMPTION: HEALTH CLUBS H.B. 34 ... (Cunningham, 86th) Exempts from state and local sales taxes the fees for health club memberships.

PROPERTY REASSESSMENT H.B. 36 ... (Cunningham, 86th) Real estate would be reassessed every five years, rather than every two years. (Opposed by MML Policy)

VILLAGE ELECTIONS H.B. 57 ... (Sater) In villages, if the number of candidates for trustees equals the number of vacant positions, no election shall be held and the candidates assume office as if elected.

PRIMARY SEAT BELT ENFORCEMENT H.B. 90 ... (St. Onge) Provides for primary seat belt enforcement; vehicles may be stopped if passengers not wearing seat belts. (Supported by MML Policy)

TAX INCREMENT FINANCING H.B. 103 ... (Portwood)

1. Eight-page definition of "blight" that likely will result in lawsuits to clarify;
2. requires two-thirds vote of governing body to override TIF Commissions or if citizens petition against the project; and
3. for residential TIFs, all property tax goes to school district unless project supported by school reps on the TIF Commission. (Opposed by MML Policy)

MUNICIPAL TORT LIABILITY H.B. 121 ... (Nance) Same as S.B. 78 reported in this *Bulletin*. (Supported by MML Policy)

EXCESS MUNICIPAL COURT FINES H.B. 122 ... (Nance) If a municipality receives more than 35 percent of general operating revenue from fines and court costs for traffic violations on state highways, the excess revenues go to the schools in the county.

SALES TAX EXEMPTION: CONTRACTORS H.B. 127 ... (Cooper, 120) Exempts from state and local sales taxes all purchases to fulfill a contract with the federal government. (Opposed by MML Policy)

SALES TAX EXEMPTION: BROADCASTING H.B. 128 ... (Cooper, 120) Exempts from state and local sales taxes anything used in radio or television broadcasting. (Opposed by MML Policy)

SALES TAX EXEMPTION: ENERGY FROM RECYCLED PRODUCTS H.B. 131 ... (Cooper, 120) Exempts from state and local sales taxes energy used in manufacturing any product. (Opposed by MML Policy)

STORM WATER BONDS H.B. 161 ... (Bevins) Authorizes the state to issue \$20 million in bonds for local water and sewer projects. (Supported by MML Policy)

TELECOMMUNICATIONS TAXATION H.B. 165 ... (Cooper, 120) Dismisses all city lawsuits against telecom and wireless companies for back taxes in return for three months payment (no interest or penalties). Prohibits cities from filing class action suits against telecom companies. Department of Revenue would establish city telecom gross receipts tax rates and collect the tax. All telecom providers would pay the tax at reduced rate quarterly. All protested taxes returned to the company. (Opposed by MML Policy)

JUDICIAL APPEAL OF PERSONNEL DECISIONS H.B. 288 ... (Roorda) Any public employee, after exhausting all administrative remedies, can appeal a discipline action to the circuit court for a "trial de novo," an

entirely new trial. The employee may select the site of the trial - either the local circuit court or the Cole County Circuit Court. This would render meaningless the municipality's administrative appeals process. (Opposed by MML Policy)

TAX INCREMENT FINANCING S.B. 20 ... (Griesheimer) Provides the following:

- 1) no TIFs for residential projects on vacant land unless approved by two-thirds vote of city council;
- 2) taxes for residential developments must be passed through to the taxing districts;
- 3) if TIF Commission opposed to a project, city may either submit the issue to the voters or adopt with two-thirds vote of the city council and all increased city tax revenue must be used to shorten the term of repayment;
- 4) allows referendum on the project if petitions signed by 15 percent registered voters; and
- 5) in the St. Louis metropolitan area, prohibits TIFs in "greenfields" or agricultural zoned areas.

SALES TAX EXEMPTION: VEHICLES RUN ON 85 PERCENT ETHANOL S.B. 40 ... (Ridgeway) Exempts from state and local sales taxes all motor vehicles designed to run on 85 percent ethanol. (Opposed by MML Policy)

MUNICIPAL TORT LIABILITY S.B. 78 ... (Scott) Limits the tort liability of municipalities and public employees. (Supported by MML Policy)

DISTRIBUTING DRUGS NEAR PARKS S.B. 107 ... (Wilson) Creates a new felony of distributing drugs within 2,000 feet of a park. (Supported by MML Policy)

BILLBOARDS S.B. 129 ... (Stouffer) Municipalities cannot restrict a property owner from developing the property because a billboard exists on the property. (Opposed by MML Policy)

PUBLIC EMPLOYEE DUE PROCESS ACT S.B. 146 ... (Bray) Any city employee who is disciplined has a right to a formal hearing before a state hearing officer. The city will pay costs of transcript, hearing officer's fee and expenses. The city has burden of proving "just cause" to discipline employee. The hearing officer's decision could be appealed to the courts. (Opposed by MML Policy)

BLASTING SAFETY REGULATIONS S.B. 155 ... (Engler) Establishes statewide standards for licensing of blasters and use of explosives. Authorizes more stringent local regulation.

WHISTLE BLOWER PROTECTION S.B. 168 ... (Mayer) Protects whistle-blower employees from discharge.

TAX INCREMENT FINANCING S.B. 176 ... (Green) Places numerous restrictions on use of TIF including restrictive definition of "blight" and restrictions on retail projects. (Opposed by MML Policy)

RESTRICTIONS ON PRIVATIZING CITY SERVICES S.B. 181 ... (Green) Twelve pages of procedures to be followed whenever a municipality seeks to privatize a municipal function. (Opposed by MML Policy)

PHOTO RED LIGHT ENFORCEMENT S.B. 192 ... (Crowell) Numerous regulations for cities with photo red light enforcement systems. Prohibits camera companies from receiving a percentage of the traffic fines.

TELECOMMUNICATIONS TAXATION S.B. 209 ... (Griesheimer) Same as H.B. 165. (Opposed by MML Policy)

LOCAL FIREARMS REGULATIONS S.B. 217 ... (Crowell) Prohibits municipalities from regulating the open carrying of firearms readily capable of lethal use or the discharge of firearms within the city. Does the NRA want to turn our communities into shooting galleries? (Opposed by MML Policy)

BILLBOARD REGULATIONS S.B. 231 ... (Crowell) Requires municipalities to pay for removal of a billboard if the owner has to remove it in order to get a rezoning or a building permit. (Opposed by MML Policy)

PUBLIC EMPLOYEES: OVERTIME PROVISIONS S.B. 249 ... (Gross) Exempts public employees from the overtime provisions of the state minimum wage law. (Supported by MML Policy)

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Geographic Information System Consortium

GISC

**ADMINISTRATION
PROGRAM AGENDA
BUDGET SUMMARY**

ANNUAL REPORT

December 28, 2006

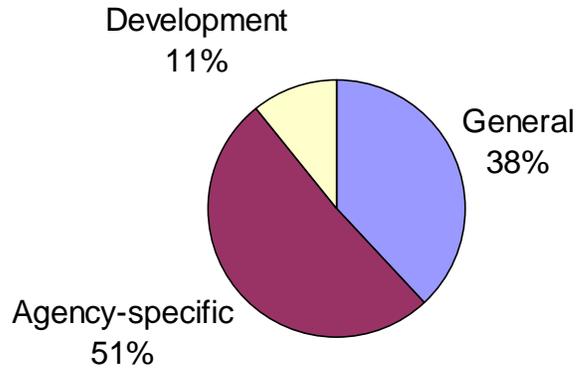
Presented By Pam Kelrick

GIS Coordinator/Planner

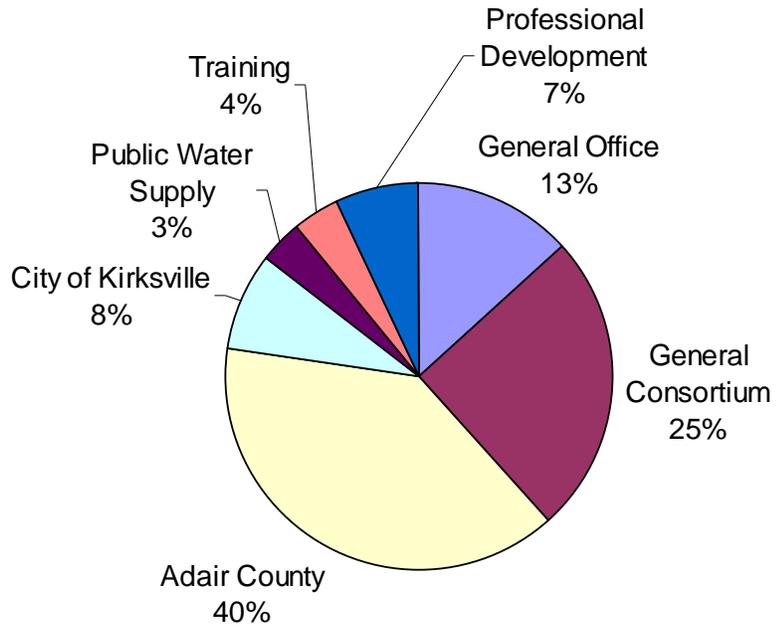
GISC ADMINISTRATION

Employee Time Allocation

General Time Distribution by Employee in 2006



Specific Distribution of Time by Employee in 2006



GISC PROGRAMMING

Fourth Quarter Activity

ADMINISTRATION

- Employee evaluation was confirmed, with very positive results and feedback
- Long-term plan in development for the GISC
- 2007 Budget approved
- Long-term planning for a web-based GIS system is on-going at the state level with MGISAC members.
- Audit of 2006 expense records was completed with the County of Adair Treasurer (final annual figures attached).
- Contract work for the NMRPC Regional Transportation Plan has been completed
- Member representatives to the Board of Directors were reconfirmed. (See attached contact list for appointed members.)

GIS DEVELOPMENT AND TECHNOLOGY

DATABASE DEVELOPMENT

- Adair County tax parcel file –
 - Road system file is complete and in ‘maintenance’.
 - Tax parcel file is complete and in ‘maintenance’; although there are some anomalous property numbers remaining to be reviewed.
- City of Kirksville Water line and fixtures file –
 - The water line file is complete and in ‘maintenance’.
 - The sewer line file is complete and in ‘maintenance’.
- PWSD water line and fixtures file –
 - A software flaw and poor operational manual have led to recollection of location information for meters and valves. Water line location will be updated based on this new information

DATA ACCESSIBILITY

- The road file (i.e., names, locations, quantity) is now commensurate with the 911 database.
- State bridge inspection sheet information has been entered in the bridge database
- City of Kirksville zoning map has been updated and redistributed.
- Training:
 - Beginning ArcView GIS training was provided to 6 employees of the member agencies (2 from each agency) by a professional trainer. This training was provided by resources from the GISC budget.
 - Advanced ArcView GIS training was attended by the GISC Coordinator at the Green Hills RPC office as part of a free outreach program by the Missouri Spatial Data Information Service (MSDIS).
 - GPS training provided to the County Assessor’s office, PWSD and City staff.

PRODUCT AND ANALYSIS

- PWSD Waterline file to Missouri One Call
- Adair County Road and Bridge provided with calculations of miles of road surface across the county.

- Marceline Mapping provided with a set of 6 files to produce the county plat map for publication this fall.
- City of Kirksville Codes department provided with numbers of residences in the City.
- City of Kirksville planning information provided for downtown improvement.
- City of Kirksville provided with files for watershed analysis around water sources.

TECHNOLOGY ACQUISITION

- Air photo acquisition has been explored. Estimates have been received. Information on the acquisition of State-wide air photos has been followed. At the moment, we are waiting for the actions of the State GIO to know whether or not State-wide air photos will be purchased and distributed for free.
- No significant technology equipment purchases made this year.

OUTREACH AND PROMOTION

- Missouri GIS Advisory Committee – In the course of work and participations in these meetings, GISC staff have reviewed legislation; coordinated the Annual Work Plan and Annual Report; coordination of the strategic plan; co-sponsored State round-table to develop State-wide web-based GIS; advocating for the promotion of the State-wide air photo purchasing program and ‘buy-up’ options; co-authored federal grant with the Missouri GIO for state-wide GIS planning.
- Awarded 2 of 2 conference grants from the MGISAC for the MAGIC Conference and the National States Geographic Information Council.
- Presented the three Annual Updates to the member agency governing bodies (City Council, County Commission, and PWSB Board of Directors)
- Presentation for Rotary Club International
- Developed maps for the Northeast Regional Planning Commission State Transportation Plan (on a contract basis). We continue to have on-going discussions with the RPC about potential GISC membership.
- New relationships are being developed with local and regional emergency services folks to improve communication and develop ways to disseminate relevant GIS information (e.g., consulted with J. Hughes and 911).

2007 Annual Activity (Anticipated Highlights)

ADMINISTRATION

- Approve 2008 fiscal year budget
- Secure an additional member for the GISC
- Clarify the long term role of GIS within member organizations. Articulate the needs and consequences of integrating GIS technology into member organizations.
- Work with the state Geographic Information Officer to establish a functional and accessible web-based GIS system
- Complete end-of-year business, including: annual employee evaluation; 2007 Annual Report; appointment or re-appointment of Board representatives; and draft budget for FY08.
- Identify and apply for 1-2 grants
- Develop standard training programs for GPS and GIS
- Policy development for data distribution and/or possible sale

DATABASE DEVELOPMENT

- Develop and implement a stewardship protocol for all existing files.
- Develop metadata for all existing files and a stewardship protocol.
- Update and add attribute data to the following files:
 - Utility files
 - Road system file
 - Tax parcel file
 - Tax parcel feature and attributes
 - School districts
 - Emergency management districts
- Develop the following new files:
 - PRC card and photo attachment
 - power lines and pipe lines (based on air photos and georeferenced tax parcel maps)
 - GPS data on mobile homes
- Special project
 - Develop a single, consistent address and address range file for the county in cooperation with E911
 - Explore options for combining the service for developing and maintaining emergency service databases (i.e., combining E911 and GISC databases) to eliminate duplication of work

DATABASE ACCESSIBILITY

- Database information will be shared by hard media (e.g. CDs, email, disk), transitioned to server systems and used with ArcView (desktop) or published for ArcReader.
- GISC will continue to pay the primary fee. Agencies will continue to pay secondary license fees
- Plans and details will be in put in place for a web-based ArcServer Enterprise GIS system at the State level
- GISC will purchase digital projector

MEMBER DEVELOPMENT

- Identify and solidify 1-2 new long-term partnerships/memberships.
 - Examples: Adair E911 – provide data maintenance and management services for E911
 - NMRPC – provide data analysis and development services
 - Contract services for: Hwy 63 Commission
 - RPC Regional Transportation plan

OUTREACH

- Annual member agency presentations
- Presentation/open house for potential partners/members
- Presentations for community groups upon request