

Maryville City Council
Regular Scheduled Meeting
May 30, 2012
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, May 30, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING: ANNEXATION OF PROPERTY LOCATED AT 315 CAREFREE DRIVE, DOUBLE "B" DEV.

Mayor Jonagan opened a Public Hearing for the purpose of hearing comments of those who wish to speak in favor or in opposition of the proposed property to be annexed, located at 315 Carefree Drive, owned by Double "B" Development. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jonagan closed the Public Hearing.

PUBLIC HEARING: REZONING OF PROPERTY LOCATED AT 522-524 CAREFREE DRIVE, DOUBLE "B" DEV.

Mayor Jonagan opened a Public Hearing for the purpose of hearing comments by those who wish to speak in favor or in opposition of the rezoning of the proposed property, located at 522-524 Carefree Drive, owned by Double "B" Development. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jonagan closed the Public Hearing.

ROLL CALL

The meeting was called to order by Mayor Jonagan and the roll was called by the City Clerk, with the following present to-wit: Mayor Jonagan, Council Members Ronnie Moss, James Fall, Jeff Funston. Others present were City Manager Greg McDanel; City Attorney Doug Thomson; Public Works C.E. Goodall, and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jonagan led the pledge to the flag.

INVOCATION

Councilman Jackson gave the invocation.

APPROVAL OF THE AGENDA

Mayor Jonagan requested any changes needed to the agenda, be noted at this time. Mayor Jonagan stated that an executive session would be added to the agenda for the purpose of Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote. It was noted that the executive session was inadvertently left off of the agenda. Since it was Councilman Jackson's last meeting, Council felt it was necessary to deem it as an emergency and add the executive session because of the insight that Councilman Jackson had to share on the issue at hand.

Motion was made by Councilman Jackson, seconded by Councilman Fall, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

CITIZENS TO BE HEARD

Mayor Jonagan welcomed citizens and stated this the time for persons to address the Council on items not a part of the agenda. Any persons wishing to speak were requested to come forward and state their name and address for the record. No persons appeared to be heard.

DEPARTURE GIFT PRESENTED TO COUNCILMAN CHAD JACKSON

Mayor Jonagan and Council thanked Chad Jackson for his years of service as a Council Member of the City of Missouri. As a token of appreciation, Councilman Jackson was presented with a gift being a ASUS tablet.

REQUEST TO HOLD NODAWAY COUNTY FAIR PARADE ON CITY STREETS, CHAMBER OF COMMERCE

Luke Reven, Dir., of the Greater Maryville Chamber of Commerce submitted an application requesting permission to hold the Nodaway County Fair Parade on city streets. The parade is scheduled to be held Saturday, July 21, 2012, beginning at 9:30 a.m. The parade was proposed to be held on College Avenue, in front of the Fine Arts Building, on the Northwest Missouri State University Campus, going east on College Avenue/West 4th Street, to North Buchanan Street, turning south on Buchanan Street and dispersing at West 2nd Street. A Certificate of Liability Insurance in the amount of \$1,000,000, naming the city as an additional insured, the executed Hold Harmless Agreement, and the contact document of businesses that may be affected by the event, were submitted as required.

Motion was made by Councilman Funston, seconded by Councilman Jackson, to approve the request to hold the Nodaway County Fair Parade, on July 21, 2012, on the City Streets of Maryville. Upon roll being called, the vote was as

follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Jonagan, yea. Motion carried.

TEMPORARY CLOSURE OF 300 BLOCK, NORTH MAIN STREET, REPLACE CLOCK TOWER, NOD. CO.

In March, 2012, an application was received to close the 300 Block of North Main Street to remove the clock tower on top of the Courthouse for repairs. Since that time, repairs have been made.

Commissioner Robert Stiens, submitted an application requesting permission to close the 300 Block of North Main Street to place the clock tower back on the Courthouse. The street closure is anticipated to begin at 8:00 a.m., June 18, 2012 and conclude by 6:00 p.m. on June 22, 2012. A Certificate of Liability Insurance in the amount of \$1,000,000, naming the city as an additional insured, the executed Hold Harmless Agreement, and the contact document of businesses that may be affected by the event, were submitted as required.

Motion was made by Councilman Jackson, seconded by Councilman Funston, to approve the closure of the 300 Block of North Main Street for placement of the clock tower onto the Nodaway County Courthouse. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

ANNEXATION OF SOUTH HESTER STREET RIGHT OF WAY, OWNED BY CITY OF MARYVILLE

The City Clerk presented a bill, Bill No. 2012'41 for an ordinance entitled:

An Ordinance Annexing Certain Territory Known as South Hester Street Used for Public Right -of-Way Purposes, Owned by the City of Maryville, Missouri

On April 23, 2012, the City Council approved an ordinance to accept real estate known as South Hester Street and designated it as public right-of-way. A petition of voluntary annexation was accepted by ordinance according to the Missouri Revised State Statutes, Section 71.012, on that date, as well.

On May 14, 2012, a public hearing was held with no comments heard. The public hearing began a 14 day period for persons to submit in writing any objections or comments regarding the proposed annexation. There were no submissions received.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Fall, seconded by Councilman Funston, to approve Council Bill No. 2012'41, to approve the annexation of South Hester Street right-of-way. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7421 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REZONING REQUEST FOR 522-524 CAREFREE DRIVE, OWNED BY DOUBLE "B" DEVELOPMENT

The City Clerk presented a bill, Bill No. 2012'42 for an ordinance entitled:

An Ordinance to Amend Section 405.040 (The Official Zoning Map), Ordinance No 4984 (The Zoning Ordinance), Upon the Application of Double "B" Development, Rezoning Property Located at 522-524 Carefree Drive, From C-3 (Commercial District Zone) to R@-M, (Modified Residence Zone)

May 9, 2012, the Planning and Zoning Commission met regarding the proposed rezoning of property owned by Double "B" Development, located at 522-524 Carefree Drive. The Planning and Zoning Commission recommended to the City Council to approve the rezoning request. A Public Hearing was held before the City Council to allow anyone wanting to speak in favor or in opposition of the proposed rezoning with no persons appeared to be heard.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve Council Bill No. 2012'20. Upon

roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7423 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONTRACT FOR ASPHALT MILLING AND OVERLAY PROJECT, KELLER CONSTRUCTION COMPANY

The City Clerk presented a bill, Bill No. 2012'43 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to execute a contract with Keller Construction Company, Inc., for the Purpose of Performing Asphalt Milling and Overlay Services, for the 2012 Street Improvement Project, Maryville, Missouri

Requests for Proposals were received from two (2) contractors, Keller Construction Company and Herzog Contracting, to provide asphalt milling and overlay services for the 2012 Street Improvement Project. Keller Construction Company was low bid at the price of \$376,260.00. The city streets portion of the project will be funded by \$115,000.00 from CIP funds, and \$135,000.00, from the street budget, which provides \$250,000. The remaining \$4,225.00 will be made up from other line items in the Street Department budget.

Mozingo Park Maintenance Department Capital Outlay budget includes \$75,000.00 for asphalt overlay, which is short by \$10,050.00 and will be taken from reserves. The Park and Recreation Department has confirmed their acceptance of the bid of \$25,000 for the Community Center parking lot.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Jackson, seconded by Councilman Fall, to approve Council Bill No. 2012'43. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7422 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No 2012-24.

SUPPORT MO HOUSE BILL 1329, RESTORING SALES TAX ON OUT-OF-STATE VEHICLE PURCHASES

The City Clerk presented Council Bill No. 2012'44 for a resolution entitled:

A Resolution to Show the Support of the Maryville City Council for Missouri House Bill 1329, Restoring the Sales Tax on Out-of-State Vehicle Purchases and Helping Preserve Jobs in Numerous Small Businesses across the State

In a recent Missouri Supreme Court decision, *Street v. Missouri Department of Revenue*, the Court ruled that local sales tax is NOT applicable to any individual-to-individual motor vehicle sales nor any out-of-state dealers-to-individual motor vehicle sales. In response to this change, the Missouri Department of Revenue has provided a report estimating the loss of revenue on the collection of motor vehicle sales tax; for Maryville it is estimated to be \$45,400. This assumes 21% of total sales tax remitted as representative of the amount collected from out-of-state and individual sales. Motor vehicle sales tax is considered a crucial source of revenue to for local governments. If not reversed, it may be necessary for some cities in Missouri to pass "use taxes" to replace the lost revenue, which could conceivably increase the burden on the tax payer since it applies to many other out-of-state purchases and could potentially create a serious economic disadvantage for Missouri local car dealers.

May 16, 2012 the Legislature passed House Bill 1329, which was amended in the Senate to include language to reinstate the local sales tax for cars, boats, trailers, etc. purchased out-of-state. Governor Jay Nixon has remained publically split on the bill and his staff views it as a tax increase that should go to a public vote. The proposed Resolution requests support from Governor Nixon to sign House Bill 1329, restoring the sales tax on out-of-state vehicle purchases and helping to preserve revenue and jobs across the state.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Moss, seconded by Councilman Jackson, to approve Council Bill No. 2012'44, to requests support from Governor Nixon to sign House Bill 1329, restoring the sales tax on out-of-state vehicle purchases and helping to preserve revenue and jobs across the state. Upon roll being called the vote was as follows: Councilman Moss, yea;

Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Resolution No. 587 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

WILLIAM SPURGEON KUHL & FRESHNOCK ARCHITECTS, INC., CONTRACT FOR DESIGN OF SIGNS

The City Clerk presented a bill, Bill No. 2012'45 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Williams Spurgeon Kuhl & Freshnock Architects, Inc., for the Purpose of Providing Design Services for a Community Gateway Sign, Maryville, Missouri

The City received four (4) Letters of Qualifications requested for the design of a community gateway sign. The selection committee for evaluating and determining the best choice for the architectural services, recommended Williams Spurgeon Kuhl & Freshnock Architects, Inc., to perform the design services. Several Design proposals will be presented to the public and City Council for their review and input.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'45. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7424 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2012-25.

DISCUSSION: ZONING ORDINANCE UPDATE

RDG Planning & Design was contracted with the City of Maryville to develop a two (2) phase community plan. Phase I consists of a Zoning Ordinance Update and Phase II is the creation of a Comprehensive Plan. Throughout the process of Phase I, several public hearings and workshops were held to discuss issues and recommendations. RDG presented zoning changes to the Planning and Zoning Commission at the May 9, 2012 meeting for approval and further recommendation to the City Council. From the items proposed by RDG, the Planning and Zoning Commission made the following motions:

Motion #1: Motion to move the University Overlay boundary line to incorporate the south property line of Prather Avenue. Prather Avenue will now be in the University Overlay district instead of partially in the Campus Town Overlay district.

Motion #2: Motion to move the North University Overlay east boundary line to the west side of the AKL fraternity house at 421 West Sixteenth Street, making West Sixteenth Street the north boundary line.

Motion #3: Regarding the family definitions, the motion is to strike Item 1A on the RDG Proposal and recommend Item 2A.

The City Council was presented with the RDG Planning & Design recommendations, with Planning & Zoning revisions for City Council consideration. Council Members expressed some of their lingering concerns with the overlays and requiring parking permits to park along the streets of certain areas. Concerns were asked to be addressed to the City Manager, who would discuss them with Jim Wiederholt, Code Enforcement to be adjusted according for further discussion at the June 11, 2012, City Council Meeting. If the Council feels read by, the issue will be brought back for consideration at the City Council meeting on June 25, 2012.

REPORTS

I. City Manager

- Five (5) responses were received from firms for the request for qualifications proposals for engineering services for the South Munn Street Project.
- The Missouri Housing Development Commission performed audits on local agency's in-house files for the HeRO Grant, to ensure that all HUD guidelines are being met. An audit of Maryville's 2011 program was performed in May, resulting in no deficiencies found.
- City crews responded at 5 p.m., on Sunday, May 27th to a large water main break along the north side of Hwy 136 east. A 12-inch water main split and proceeded to buckle three lanes of approximately 300 linear feet of highway pavement. Public Safety Director Keith Wood and Public Safety officers responded immediately to the scene. Officers handled re-

routing of traffic while Public Works crews arrived to address the water main issue. Public Works Director, C.E. Goodall was also on scene to assist in coordinating repair efforts.

MoDot supervisors arrived on the scene and determined the City was responsible to coordinate pavement repairs.

Nodaway Contracting was called to assist the Public Works Department to tear out and haul away asphalt, as well as patch the pavement underneath. Crews were able to have the highway prepped for MoDot to re-open two lanes of traffic within hours for Memorial Day weekend travelers.

City crews remained on scene until approximately 3:30 a.m. on Monday, May 28th. The 12” water line was repaired, adequately flushed, and placed back into service. Crews returned later on Monday to properly clean and provide temporary access to businesses. The City will be working with MoDOT and MIRMA on an emergency repair project for the roadway later this week.

A special thanks was extended to water crew employees Eric Lance, Chris Bird, and Bryan Williams, as well as Nodaway Contracting and the City street crew consisting of Jay Cacek, Roger Langston, Jeremiah Stiens, and John David Palmer.

- The city entered into a contract with White Cloud Engineering for an 8” water line extension on the west side of S. Main Street to allow adequate water supply for economic development. Permitting was received from Missouri Department of Natural Resources and the project is now complete. Installation and testing of the line was expedited last week and the new main is ready for use.
- The City of Maryville is proceeding with the installation of additional security lighting at Northwest Missouri Regional Airport. Two (2) new 250 watt high pressure sodium wall packs will be installed on the west and north side of the new terminal.
- The City has been working with PGAV Planners through the DREAM initiative to develop a downtown strategic plan. The plan was presented at a public meeting on April 26th and was available online for public input. No significant public comments have been received and the final report will now be placed on the June 11th City Council meeting agenda for acceptance. Staff will look to hold a strategic planning session to discuss implementation of recent city planning efforts in July.
- The deadline for applications was closed on Friday, May 18th, the Assistant City Manager Position, with a total of seventy-seven (77) applications received. Interviews with finalists are anticipated to occur in early June. The Assistant City Manager will provide additional oversight to Northwest Missouri Regional Airport, Mozingo Lake & Park, Mozingo Golf, and citywide planning efforts.

II. Council Members

- Everyone who participated in the repairs of the water main, over the Memorial Day weekend, on Hwy 136 East, was commended for a job well done.
- City Clerk Smail was asked to contact the International Town and Gown Association to inquire about their newsletter and ask to be put on the recipient list again.
- The demolition of dilapidated houses was reported to be a big step in the right direction. It was asked if the clean waste from the structure could be used in other locations. City Manager McDanel stated that it might be a possibility.
- Mayor Jonagan and Councilman Fall visited Mozingo Lake Park to see the day-to-day operations and to speak with some of the campers to learn what works and the city can improve upon. The campers were pleased with what the City has to offer.
- The City Council discussed the idea of having anyone interested in being considered for the vacant City Council position, left by Councilman Jackson, submit a “Letter of Interest”. The “Letter of Interest” containing a bio of the person and what background they have to bring to the Council for decision making purposes. Motion was made by Councilman Fall, seconded by Councilman Funston, to invite interested candidates to submit a “Letter of Interest” to be considered for the vacant position on the Maryville City Council, no later than Thursday, June 7, 2012, at 5:00 p.m. Upon roll being called, the vote was as follows: Councilman Jackson, abstain; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Councilman Jackson abstained because he was no longer going to be a part of the Council.

Motion carried. City Clerk was asked send out a Press Release to notify the public. City Council will hold a session on Friday, June 8, 2012, at 5:00 p.m. to discuss and appoint a new member to the City Council.

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EXECUTIVE SESSION

Motion was made by Councilman Jackson, seconded by Councilman Funston that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson; yea; Mayor Jonagan, yea. Motion carried.

City Council met in closed session to discuss the Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo, Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Jackson, seconded by Councilman Fall to come out of executive session. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Jonagan, yea. Motion carried.

ADJOURNMENT

Motion was made by Councilman Moss, seconded by Councilman Funston that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried. Meeting was adjourned.

Glenn Jonagan, Mayor

ATTEST:

Sheila Smail, City Clerk