

Maryville City Council
Regular Scheduled Meeting
June 25, 2012
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, June 25, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

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, Renee Riedel, and 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

Mayor Jonagan gave the invocation.

APPROVAL OF THE AGENDA

Mayor Jonagan requested any changes needed to the agenda, be noted at this time.

Motion was made by Councilman Fall, seconded by Councilman Funston, that the agenda be approved as presented.

Upon roll being called, the vote was as follows: Councilwoman Riedel, 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.

RECOGNITION OF THE TKE FRATERNITY

Captain Phil Rickabaugh, Maryville Fire Department, presented to Bill Ingels, representative of the TKE Fraternity, with a Community Safety Award, for going above and beyond the fire code requirements, by installing a sprinkler system in the TKE Fraternity House, while having repairs make following an arson fire that had sufficiently damaged the structure.

REQUEST TO HOLD THE SUMMER CONCERT SERIES, BY CHAMBER OF COMMERCE

Luke Reven, Dir., of the Greater Maryville Chamber of Commerce submitted an application requesting permission to hold the Summer Concert Series for 2012. Three (3) concerts events were requested to be held for June 28, 2012, July 26, 2012, and August 16, 2012, from 6:30 p.m. until 8:30 p.m. The first concert targets children's music; the second, folk music; and the third, blues music.

The request includes permission to close the 300 block of North Main Street, from 5:00 p.m. until the concert is over.

The hold harmless agreement, a certificate of insurance for one million dollars (\$1,000,000.00), naming the City of Maryville as an additional insured, and the notification document of area businesses that may be affected by the events were submitted as required.

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve the request to hold Summer Concert Series as requested. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

REQUEST TO HOLD CARDBOARD BOAT RACE AT MOZINGO LAKE, LAURA ST BAPTIST CHURCH

Pastor Paul McKim, Laura Street Baptist Church, requested permission from the City Council to hold their annual cardboard boat race at Mozingo Lake, on Sunday, July 23, 2012.

The hold harmless agreement and the certificate of insurance for one million dollars (\$1,000,000.00), naming the City of Maryville as an additional insured, were submitted as required.

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve the cardboard boat contest, held by Laura Street Baptist Church. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

ANNEXATION OF PROPERTY LOCATED AT 315 CAREFREE DRIVE, BY DOUBLE B DEVELOPMENT

The City Clerk presented a bill, Bill No. 2012'50 for an ordinance entitled:

An Ordinance Annexing Certain Territory Known as 315 Carefree Drive, owned by Double B Development

On May 14, 2012, a petition, requesting annexation was presented to the City Council by ordinance requesting acceptance

of real estate known as 315 Carefree Drive.

On May 30, 2012, a public hearing was held to allow a fourteen (14) day period for public comments 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 Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'50, to approve the annexation of 315 Carefree Drive. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7428 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

RENEWAL OF REMAINING 2012 LIQUOR LICENSES

The City Council was presented with liquor license requests from Bubba's, Mozingo Golf Clubhouse, Younger Auction Gallery, Applebee's Restaurant, LaBonita's Mexican Restaurant, Burny's Sports Bar, Walmart Supercenter, and Dollar General. Staff recommended those presented to be approved.

Motion was made by Councilman Fall, seconded by Councilwoman Riedel, to approve the 2012 Liquor Licenses as presented. Upon roll being called the role was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea, Mayor Jonagan. Motion carried.

LOT SPLIT APPROVAL FOR 315 CAREFREE DRIVE, OWNED BY DOUBLE B DEVELOPMENT

The City Clerk presented a bill, Bill No. 2012'51 for a resolution entitled:

A Resolution Authorizing a Lot Split of Property Owned by Double B Development, Located at 315 Carefree Drive, of the City of Maryville, Nodaway County, Missouri

In accordance with the Maryville Municipal Code application was made by Double B Development, requesting a lot split of the property located at 315 Carefree Drive. Upon approval by the City Council the lots will be addressed as 313 and 315 Carefree Drive.

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 Councilwoman Riedel, to approve Council Bill No. 2012'51. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Resolution No. 589 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

APPROVAL OF ADDENDUM TO NODAWAY COUNTY ENHANCED ENTERPRISE ZONE

The City Clerk presented a bill, Bill No. 2012'52 for an ordinance entitled:

Nodaway County Enhanced Enterprise Zone Addendum

The proposed ordinance expands the NAICS Code eligible for Enhanced Enterprise Zone (EEZ) program, beyond wind-energy, to be considered a qualified facility. Qualifying facilities would include Manufacturing (NAICS 31-33), Wholesale Trade (NAICS 42), Transportation and Warehousing (NAICS 48-49), and Professional, Scientific, and Technical Services (NAICS 54). The proposed addendum also adopts a tiered abatement level, defining qualifications and abatement terms as a guide for the Enhanced Enterprise Zone Board of Directors when considering applications. The support level of the proposed changes from the municipalities in Nodaway County will factor into the decisions the Nodaway County Commission makes as the governing body for the EEZ.

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 Riedel, to approve Council Bill No. 2012'52. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7429 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, as a part of Contract No. 2011-44.

STP ENHANCEMENT SUPPLEMENTAL AGREEMENT, PROJECT NO. STP-4300(108), MARYVILLE TRAILS

The City Clerk presented Council Bill No. 2012'53 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an STP Enhancement Supplemental Agreement with the Missouri Department of Transportation, for the Purpose of Relocation Project No. STP-4300(108), Maryville Trail Project, Phase I, Maryville, Missouri

In 2007, the City of Maryville was awarded STP Enhancement funds from the Missouri Department of Transportation (MoDOT) for a trail enhancement along South Walnut. The project was planned as an 8 foot wide trail to begin along South Avenue at Crestview Drive, heading east to South Walnut, then north along the west side of South Walnut to Lincoln Avenue. After a brief educational campaign with the property owners along the corridor, it was determined that owners were generally not receptive to the project. Staff placed the project on hold, and after further investigation determined the South Walnut right-of-way was only forty foot (40') wide, rather than sixty foot (60') wide as previously believed. It was also determined that the proposed trail crossing of South Avenue near the Walnut intersection presents safety concerns with an intersection grade creating sight obstructions.

Staff recently petitioned MoDOT for a variance on the project to shift the location to Munn Avenue beginning at South Avenue and running north approximately 1,900 linear feet. This alternative would allow for the trail to be constructed to its full width several blocks west of the original project and still utilize grant funding. This proposed location would also tie in nicely with any pedestrian improvements constructed as a result of Munn Avenue Street Improvement Project (South Avenue to Hwy V). A crossing of the trail at the Munn and South Avenue intersection would also increase sight distance and pedestrian safety by comparison.

MoDOT has approved the relocation of the trail from South Walnut Street to South Munn Avenue. MoDOT is requesting a STP Enhancement Supplemental Agreement to the original agreement executed in 2008 for the relocation. The STP funds have a "Reasonable Progress Policy" and must return to MoDOT if the project is not moving forward. Execution of the agreement will allow for engineering to continue on the revised project location. The agreement includes up to \$148,840 of STP funds based on an original \$197,846 cost estimate resulting in a 25.8% local match.

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 Jackson, to approve Council Bill No. 2012'53, to approve a supplemental agreement for the Project No. STP-4300(108), Maryville Trails, Phase I. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered as Ordinance No. 7430 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

Approve Base Agreement with JViation, Inc., Engineering Services, NW MO Regional Airport

The City Clerk presented a bill, Bill No. 2012'54 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Base Contract with JViation, Inc., for the Purpose of Providing Engineering Services for Northwest Missouri Regional Airport, Maryville, Missouri

The City solicited statements of qualifications from airport consultants for upcoming projects within a five (5) year period at Northwest Missouri Regional Airport. Services will only be provided for projects that are approved and funded under the FAA Airport Improvement Program through the Missouri Department of Transportation. The consultant will provide planning, design, and construction engineering services for an apron, runway, and taxiway rehabilitation project. Pavement areas have shown signs of deterioration and MoDOT has approved funding for the project.

Four (4) proposals were received and were reviewed by a selection committee and members of the Airport Board. The committee has recommended the selection of JVIation, Inc. of Jefferson City, Missouri based on their qualifications and experience. Staff will be working with JVIation Project Director, Joe Pestka, who has eight (8) years prior experience as Administrator of Aviation for MoDOT.

The proposed agreement included a five (5) year retainer agreement with no immediate financial considerations. Engineering fees for service will be outlined in connection with projects specified in future Statement of Work amendments.

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. 2012'54. Upon roll being called the vote was as follows: Councilman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7431 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. 2012-30.

CITY'S PARTICIPATION IN THE 2012 BACK TO SCHOOL TAX-FREE HOLIDAY

The Council was approached regarding the City's participate in the Back-to-School Sales Tax Holiday, for 2012. The tax-free holiday allows consumers to purchase certain clothing and supplies for back to school purposes without paying city sales tax for a specified period. The event is scheduled to begin at 12:01 a.m., Friday, August 3, 2012 and concluding at midnight on Sunday, August 5, 2012.

Motion was made by Councilman Funston, seconded by Councilman Fall, to participate in the 2012 Back-to-School Sales Tax Holiday. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilman Riedel, yea; Mayor Jonagan, yea. Motion carried.

REPORTS

I. City Manager

- *Zoning Ordinance Update:* Staff is proceeding with the process of implementing the RDG Planning and Design recommendations as amended by the Planning & Zoning Commission. The City has taken public input and suggestions into consideration and will attempt to separate the Overlay Zoning District and Parking District concepts to limit confusion during implementation. According to state statutes, the adoption of zoning overlays and districts require a formal public hearing with fifteen (15) days advance public notice. The public hearing on the Overlay Zoning concept has been set for July 9th at 7:00 p.m. The hearing does not include any Parking District or parking restrictions at this point. City staff will continue to analyze the parking issues and schedule a separate public hearing for implementation in the near future.
- *Highway 136 Repair:* The Missouri Department of Transportation (MoDOT) will proceed with the repair of Highway 136 on June 27 and 28, 2012, resulting from a 12" water main break over Memorial Day weekend.
- *2012 Asphalt Milling & Overlay Project:* Keller Construction has completed 4th Street from Grand Ave to County Club Ave and plan to proceed with the Maryville Community Center Parking Lot, Mozingo Lake and Park paving, and other residential streets as a part of the 2012 Asphalt Milling & Overlay Project contract. Shoulder work is being done for the areas that have parking on the side of the street.
- *Youth Camp Building Grant Award:* The City of Maryville has been awarded a grant in the amount of \$65,000 from the Gladys Rickard Charitable Trust for construction of a youth cabin at Mozingo Lake. The building has been designed to incorporate an underground storm shelter for severe weather protection to serve the entire camp area. The City will continue discussions with other organizations who have expressed interest in financing the remainder of the facility.
- *South Depot Improvement Project (1st Street to Halsey):* The City of Maryville is proceeding with the reconstruction of South Depot Street from 1st Street to Halsey and final engineering by Olsson Associates is nearly complete. Staff anticipates the project to be bid in July and awarded in August to allow for contractor mobilization with a construction start date of October 1st. The project has been identified as the top priority due to its high volume truck traffic and current condition.
- *Munn Avenue Improvement Project (South Ave to Hwy V):* City staff and engineering consultant SK Design

Group, Inc. held a Pre-Design Meeting to discuss the scope of the project. SK Design Group, Inc. has analyzed several aspects of the project and has contracted with Midland Surveying to complete a topographic and boundary survey. Construction on the project is anticipated to begin in early spring of 2013. The Maryville R-II School District bus barn currently has seven (7) entrances/exits but plan to eliminate some of them during the process of the South Munn Avenue project.

II. Council Members

- Tory Mason, Missouri Department of Conservation attended the Mozingo Advisory Board Meeting, to discuss Mozingo related issues, such as resolutions to the erosion of shorelines. Water willow was suggested to be used to combat the shoreline erosion. Mr. Mason also reported that Mozingo is considered to be the premier fishing area. The Equestrian Trail project is nearing completion. Maryville Codes will be reviewed for consistency and to identify amendments needed to include the equestrian trail and Campground area.
- Councilman Funston asked for verification of the process in which the City attempts to resolve a code violation of tall grass and/or trash piles on private property.

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