

**Maryville City Council
Regular Scheduled Meeting
January 14, 2013
7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, January 14, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING

Mayor Jonagan opened a public hearing to allow those present to speak in favor of or in opposition to the proposed rezoning request made by Todd Stagner, regarding property located at 621 North Water Street from R-2 (Single Family Zone) to R-2M (Modified Residence Zone).

No persons appeared to be heard. Mayor Jonagan closed the public hearing.

ROLL CALL

The meeting was called to order by Mayor Jonagan and roll was called by the City Clerk, with the following present to-wit: Mayor Glenn Jonagan, Council Members Ronnie Moss, James Fall, Renee Riedel and Jeff Funston. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland, City Attorney Doug Thomson; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; NWMSU Senate/Council Liaison Cody Uhing and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jonagan led the pledge to the flag.

INVOCATION

Pastor Jonathon Mitchell, First Presbyterian Church, Maryville, gave the invocation.

APPROVAL OF THE AGENDA

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

The agenda was requested to be changed in that Council Bill No. 2013'01, be changed as follows, "An Ordinance to Amend Section 405.040 (The Official Zoning Map), Ordinance No. 4984 (The Zoning), Upon the Application of Todd Stagner, Rezoning Property Located at 621 North Water Street, from R-4 Single Family Residence Zone) to R-2M (Modified Residence Zone)".

Motion was made by Councilman Funston, seconded by Councilman Fall, that Council Bill 2013'01 be approved as amended. 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.

Motion was made by Councilwoman Riedel, seconded by Councilman Fall, that the agenda be approved as amended. 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.

APPROVAL OF MINUTES

Mayor Jonagan requested any changes needed to the minutes of Council meetings held December 10, and 27, 2012, be noted at that time.

Motion was made by Councilwoman Riedel, seconded by Councilman Moss, that the minutes be approved as presented. 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.

CITIZENS TO BE HEARD

Mayor Jonagan welcomed citizens and stated this the time for persons to address the Council on items not on 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.

REQUEST TO HOLD EUGENE FIELD'S ANNUAL 5K RUN/WALK

An application was received from staff at Eugene Field School requesting permission to hold an annual 5K run/walk upon city streets on April 20, 2013. The event is proposed to begin and end in front of Eugene Field School, 418 East 2nd Street, beginning at 6:00 a.m. and concluding around 10:00 a.m. A map was provided depicting the route proposed for the event. The proper certificate of liability insurance and the hold harmless agreement were provided as required.

Motion was made by Councilwoman Riedel, seconded by Councilman Fall, to approve the requested event as presented. 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.

TREASURER'S REPORT

During the month of January 2013, receipts that were large capital non-recurring, included receipt of MoDOT grant funds for a mobile sign for Public Safety (\$15,000); the airport fuel tank project, grant reimbursement from MoDOT (\$49,171); property tax distribution from Nodaway County (\$232,106.52); and Energy Loan proceeds from Missouri Department of Natural Resources for water intake pumps project (\$154,029). There were no non-recurring bills to be paid for the month of January 2013.

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve the Treasurer's Report as presented. Upon the 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.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Fall, seconded by Councilwoman Riedel, to approve the payment of bills, as presented. 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.

REZONING REQUEST FOR 621 N. WATER ST., PROPERTY OWNED BY TODD STAGNER

The City Clerk presented a bill, Bill No. 2013'01 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 Todd Stagner, Rezoning Property Located at 621 North Water Street, From R-2 (Single Family Residence Zone) to R-2M (Modified Residence Zone)

A request was made by Todd Stagner, owner of the property located at 621 North Water Street, to rezone said property from R-2 (Single Family Residence) to R-3 (Multi-Family) zone. Land uses in the area include an existing duplex development of the Maryville Housing Authority located south of the site in question. Across 7th Street north, is vacant land zoned R-4 and existing light industrial use to the northeast. All other land uses in the general vicinity of the subject site are single family residential. The requested duplex land use and R-2M zoning district would be consistent and compatible with existing land uses.

The site is classified as Low Density Residential (LDR) by the Comprehensive Plan Land Use plan. LDR are characterized as primarily single family dwellings and within a density range of one (1) to six (6) dwelling units per acre. This site is also located within an Infill/Rehabilitation designated area of the Comprehensive Plan. These are areas that have been designated by the Comprehensive Plans as opportune areas to promote infill development to improve the character of the adjacent neighborhoods.

The Planning and Zoning Commission made a recommendation to the City Council to rezone the property to R-2M (Modified Residence Zone) at the public hearing held on January 9, 2013. The recommended rezoning and proposed duplex development are consistent with the City of Maryville Comprehensive Plan.

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 Funston, seconded by Councilman Moss, that Council Bill 2013'01, be approved, rezoning the property at 621 North Water Street from R-2 (Single Family) to R-2M (Modified Residence) Zone. 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.

Said bill was then numbered Ordinance No. 7487 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PARTICIPATION IN 2013 SHOW ME GREEN SALES TAX HOLIDAY, APRIL 19-25, 2013

The City Clerk presented a bill, Bill No. 2013'02 for an ordinance entitled:

An Ordinance Allowing the “2013 Show Me Green Sales Tax Holiday” to Apply to the Local Sales Taxes of the City of Maryville, Missouri, Between April 19 and April 25, 2013

Beginning April 19, 2013 at 12:01 a.m. and ending April 25, 2013, at midnight, the Show Me Green Sales Tax Holiday will be available through the state of Missouri. This event allows consumers to purchase qualifying “Energy Star” appliances without paying State sales tax normally applied to purchases. The City of Maryville is given the option of participating in the Show Me Green Sales Tax Holiday by approving an ordinance declaring their intent to allow consumers to purchase qualifying “Energy Star” appliances without paying City sale tax, as well.

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 Councilwoman Riedel, seconded by Councilman Moss, to approve Council Bill No. 2013'02, to participate in the 2013 Show-Me Green Sales Tax Holiday. 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. 7488 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. A copy of the approved ordinance will be forwarded to the Missouri Department of Revenue, by the City Clerk, to affirm the City's intent to participate.

PUBLIC SAFETY ALCOHOL VIOLATION DATA

Information was provided to the City Council relative to alcohol and its enforcement. The focus was primarily on the age of admittance into bars, which is currently nineteen (19). The information presented was broader than the age limit alone. The study included liquor laws, violations, and arrests specific to bars.

In the past a report was presented of a study of relative laws of nine (9) Missouri college communities. This report focused on the most applicable information comparisons with two (2) most similar university cities, being Warrensburg and Kirksville. The first comparison was of liquor law violations for each city, which included Driving while Intoxicated (DWI), Minor in possession (MIP), Sales to Minor, and Under 19 in bars.

The report provided a breakdown of bar incidents in Maryville from 2009 thru 2012. The breakdown included Affray/Assaults, Indecent Exposure, Under 19 in the Bar, providing false information to Officer, Disorderly Conduct, Altered/Fake ID, Minor in Possession and Sales to Minors.

A revised breakdown included Maryville alcohol related arrests. Information generated for this report was also for the period of 2009 thru 2012. The information contained in this report included Minor in Possession, Driving While Intoxicated, Zero Tolerance, Under 19, Open Container, Supply to a Minor and Sales to a Minor. Overall it appeared that all categories had decreased in numbers, except for Minor's in Possession.

Information provided in the study presented by the local Substance Abuse Task Force was revisited during discussion. The City will consider holding a meeting with bar owners to review the liquor laws and gain feedback from their perspective. Mayor Jonagan encouraged people to attend upcoming meetings to participate in discussion.

EXPIRED BUSINESSES-BUSINESS SIGNS

Mayor Jonagan identified the business signs in town of businesses no longer in business. He welcomed discussion on ideas to rectify this issue. Many signs were identified in this category, as being unsightly.

City Attorney Thomson reminded the Council that an attempt to rectify this issue was discussed and an ordinance was approved by Council to require these signs to be removed. Since that time, it has been determined that it may be a constitutional challenge to require the removal of such property because of the value it can bring to a business in selling the property. An option for the City is to consider adoption of an ordinance that would require

signs of closed businesses to become blank or to white out.

SURFACE MAINTENANCE OF 1ST AND 3RD STREET, MODOT AND CITY TRANSFER

Negotiations between the City of Maryville and the Missouri Department of Transportation, regarding the designation and maintenance of 1st and 3rd Streets are ongoing. Currently the State owns and maintains the eastern portion of State Highway 46 through Maryville, also known as East 3rd Street and the City owns and maintains 1st Streets, beginning at the Main Street, east to Depot Street.

Prior discussions with MoDOT to re-designate the route have failed due to the City's desire for MoDOT to enhance 3rd Street to City specifications. The section of 3rd Street contains no curbs and has limited storm water system. MoDOT still has no desire of improving 3rd Street conditions. However, both parties have been able to negotiate the following:

1. City obtains "as-is" condition and responsibility for maintenance of Main Street from 1st to 3rd Street, 3rd Street from Main to Depot, and Depot Street from 3rd to 1st. This acceptance includes the traffic signal at the Main & 3rd Street intersection.
2. MoDOT obtains condition and responsibility for maintenance of 1st Street from Main to Depot Street for a width of 24 feet. MoDOT policy is to accept maintenance for driving surface only which would be 24 feet as on 3rd Street.
3. City maintains responsibility for maintenance of 12 foot parking lane along 1st Street from Main to Depot, which is outside MoDOT driving surface definition.
4. MoDOT agrees to asphalt overlay 1st Street from Main Street to Depot Street for a width of 24 feet in 2014.
5. City agrees to asphalt overlay 1st Street parking lane from Main to Depot as a part of the 2014 project.
6. MoDOT agrees to approve use of Maryville's STP-Small Urban Funds for city's portion of overlay. Small Urban Funds provide 80/20 funding for local projects along roadways in MoDOT's classification system.

The City's long-term maintenance of 3rd Street is difficult to quantify. The roadway was considered to be in decent condition yet lacks appropriate storm water system. It is assumed that City staff can make improvements once problem areas are identified.

MoDOT will pursue overlaying several roadway sections around Maryville in 2014. The proposal to include the overlay of 1st Street from Main to Depot is timely and outlined below:

- City's portion - 1st Street "parking area" (12 feet) - \$38,874.50.
- City's portion – After STP – Small Urban Funds - \$7,774.90 (20%).
- MoDOT's portion - \$98,527 + all other expenses on project.

REPORTS

Student Liaison

- *Discussion of Under 19 in Bars:* The Student Senate hosted a discussion with students on the under nineteen (19), in bars issue.
- *Legislative Day at Capital:* The Student Senate will host a Legislative Day in March at the State Capital, in Jefferson City to discuss education budget cuts.

City Manager

- *Munn Avenue Improvement Project (South Avenue to Highway V)* –The project was released for construction bids on Tuesday, December 18th. Sealed bids will be accepted until 2:00 p.m. Wednesday, January 16th at City Hall where they will then be publically opened and read aloud. The City of Maryville held a Pre-Bid meeting on Tuesday, January 8th at City Hall which was well attended. City staff will now meet with affected property owners individually to explain project details and address any construction concerns.
- *South Munn Avenue Pedestrian Trail, Phase I* –A public meeting for this project was held at 6:00 p.m., Thursday, January 10th in the City Council Chambers at Maryville City Hall. The meeting allowed citizens and residents along the corridor to provide input on design and the project was met with a favorable response.

- *KCPL Street Light Request* –A letter has been sent to Kansas City Power & Light requesting the installation of two (2) street lights in Maryville. One will be located in the alley between 5th & 6th Streets near the Maryville Public Library and the other will be located along North Laura Street between 6th & 7th Streets near the entrance to Beal Park. The additional lights should increase visibility and safety in the areas.
- *City Council Special Meeting* –The deadline for filing for City Council election is Tuesday, January 15th at 5:00 p.m. The City Council is required to approve an ordinance for calling an election for City Council members and all paperwork must be turned in to the Nodaway County Clerk by January 22nd. The next regular City Council meeting is scheduled for 7:00 p.m. January 28th so the City Council will need to hold a special meeting before the deadline to approve the required ordinance. It was determined that the City Council would hold an extra meeting to consider the call for election, on Thursday, January 16, 2013, at 12:00, noon.
- *Missouri Municipal League Annual Legislative Conference* –The 2013 MML Legislative Conference will be held February 12-13 at the Capitol Plaza Hotel in Jefferson City, MO. The conference provides local officials direct contact with legislators as they review key issues in the 2013 session. Registration and more information can be found at <http://www.mocities.com/?page=2013LegCon>.
- *Funds Awarded to Construct 24 units, Villa's of the Summit* – Villa's of the Summit received an award of Funds to construct an additional twenty-four (24) units for senior housing.
- *2012-2013 Budget Books*: The 2012-2013 budget books, with a new format, were presented to City Council Members.

Council Members

- Lee Langerock, Councilman Moss and Councilwoman Riedel will meet to discuss the initiatives they gathered information on Economic Development.
- A plan that would outline the process and schedule of eradicating dilapidated house in Maryville was encouraged. A Board of Code Appeals meeting is scheduled for February 19, 2013, to discuss three (3) such properties and the City has as many as fifteen (15) others properties identified to go through this process.
- An inquiry was made as to whether Mazingo staff had been attending Sport Show around the area. Staff participated in Kansas City the weekend prior, intend to set up a booth at the sports show scheduled in St. Joseph, Missouri, the following week and will be in Omaha, Nebraska February 14-15, 2013.

ADJOURNMENT

Motion was made by Councilman Funston seconded by Councilman Moss that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Meeting was adjourned at 8:21 p.m.

Glenn Jonagan, Mayor

ATTEST:

Sheila Smail, City Clerk