

**Maryville City Council**  
**Regular Scheduled Meeting**

April 8, 2013  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, April 08, 2013, 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 roll was called by the City Clerk, with the following present to-wit: Mayor Glenn Jonagan, Council Members James Fall, Renee Riedel, and Jeff Funston. Council Member Ronnie Moss was not present. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland, City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Public Safety Keith Wood and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Jonagan led the pledge to the flag.

**INVOCATION**

Councilman Fall gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Jonagan requested any changes needed to the agenda, be noted at this time. No changes were noted.

Motion was made by Councilwoman Riedel, 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 Fall, yea; Mayor Jonagan, yea. Motion carried.

**APPROVAL OF MINUTES**

Mayor Jonagan requested any changes needed to the minutes of Council meetings held as Regularly Scheduled meetings on March 11 and 25, 2013, as Workshops on March 4, 5, and 25, 2013 and as Executive Sessions on February 25 and March 11, 2013, be noted at that time.

Motion was made by Councilman Fall, seconded by Councilman Funston, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, 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.

**TREASURER'S REPORT**

During the month of March 2013 there were no notable receipts of non-recurring revenue.

Non-recurring disbursements for the month of March 2013 included payment to HDR Engineering for the Wastewater Treatment Plant (\$16,244.84); SK Design Group for Munn Avenue and Pierce Ave/Dunn Street engineering services (\$12,730.55); Information Technologies for Public Safety annual software maintenance (\$15,717.00). It was noted that the Addendum shows the purchase of AV Gas (\$25,840.85) and Jet A Fuel (\$11,583.12) for the new fuel tanks at the Northwest Missouri Regional Airport fuel tanks.

Motion was made by Councilman Fall, seconded by Councilman Funston, to approve the Treasurer's Report as presented. Upon the roll being called, the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

**PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to approve the payment of bills, as presented. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

**FIRST TEE ORGANIZATION FOR THE JUNIOR GOLF COURSE AT MOZINGO**

Bruce Twaddle presented to the Maryville City Council the vision he and the project ad-hoc committee have for this project. Other members of the committee were Troy Hayes, Brock Pfof, Doug Kline, and W.R. O'Riley. Staff members involved in the development were, City Manager Greg McDanel, Asst. City Manager Ryan Heiland, and Mozingo Golf Maintenance Manager Ron Darnell.

The "First Tee" program was described as a 9-hole Junior Golf Education and Character Building experience. There nine (9) core values to be taught through this process, which include honesty, integrity, sportsmanship, respect, confidence, responsibility, preservation, courtesy, and judgment. This program will allow for all children to join.

Conversations had been held with other First Tee organizations around Kansas City area to gather information regarding the development and managing of course and program. Tom Watson's group from Kansas City appears interested in assisting with the preparations. The proposed course design was depicted lying north of the existing clubhouse and parking lot. It was estimated to be twelve hundred (1,200) to sixteen hundred (1,600) yards in length, per par. The construction of the 9-hole Junior Golf Course is estimated to cost two hundred fifty thousand dollars (\$250,000). These funds are to be raised by a capital campaign lead by the committee presenting the project, with a possible donation from the USDA. Membership of the First Tee Organization would be necessary.

It was estimated that an annual maintenance cost of thirty-three thousand dollars (\$33,000) would be realized. With revenue received by the City for the playing of this course, should pay the maintenance costs.

First Tee of Kansas City will train volunteers how to instruct, in both the game of golf and in character building. There will be several levels to make their way to the top and the character building is considered through these advancing levels.

The committee requested permission from the Maryville City Council to move forward on their efforts of collecting the two hundred fifty thousand dollars (\$250,000) for the construction of the proposed project.

Motion was made by Councilman Fall, seconded by Councilman Funston, to allow the committee to move forward on their efforts of collecting funds for the proposed First Tee project. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

#### **FINDINGS OF ELECTION OF CITY COUNCIL MEMBERS, REAPPOINTMENT OF GLENN JONAGAN AND RENEE RIEDEL**

The City Clerk presented a bill, Bill No. 2013'26 for an ordinance entitled:

##### **An Ordinance Finding and Declaring the Results of the General Election Held in the City of Maryville, Missouri, on April 2, 2013, Finding and Declaring that Glenn Jonagan and Renee Riedel were Duly Elected as Members of the City Council of Maryville, Missouri, for a Three Year Term**

An election was held on April 2, 2013, to elect two (2) members to the City Council. The positions up for election were held by Glenn Jonagan and Renee Riedel. Glenn Jonagan completed his first term on the City Council and was served as Mayor for the past year. Renee Riedel was appointed by the City Council, on June 8, 2012 to complete the three (3) year term of Chad Jackson who moved to Texas. Council Members Jonagan and Riedel were recently elected to serve an additional three (3) year term.

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 Fall, that Council Bill 2013'26, approving a three (3) year term for Glenn Jonagan and Renee Riedel, serving on the Maryville City Council. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7512 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **OATH OF OFFICE**

The City Clerk administered the oath of Office to Glenn Jonagan and Renee Riedel. Following the oath of office, Council Members Jonagan and Riedel took their position as members of the City Council.

#### **APPOINTMENT OF MAYOR**

Mayor Jonagan declared the floor to be open for nominations for Mayor for the coming year.

A nomination was made by Mayor Jonagan, that Councilman Fall be appointed as Mayor of the City of Maryville.

With no further nominations, Mayor Jonagan announced the nominations for Mayor have ceased. Nomination was seconded by Councilman Funston, to appoint Councilman Fall as Mayor for the coming year. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried unanimously.

#### **APPOINTMENT OF MAYOR PRO-TEM**

Mayor Jonagan declared the floor open for nomination for Mayor Pro-Tem. A nomination was made by Councilman Funston, that Councilwoman Riedel, be appointed as Mayor Pro-Tem for the coming year.

With no further nominations, Mayor Jonagan announced the nominations for Mayor Pro-Tem have ceased. Nomination was seconded by Councilman Fall, to appoint Councilwoman Riedel as Mayor Pro-Tem for the coming year.

Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea.

Mayor Fall and Mayor Pro-Tem Riedel accepted their positions, with Mayor Fall leading the remainder of the meeting.

#### **MEMORANDUM OF UNDERSTANDING BETWEEN CITY AND MARYVILLE R-II SCHOOL DISTRICT**

The City Council was presented with a draft of a Memorandum of Understanding (MOU) for discussion purposes. Generally the MOU stated that the Vocational Technical School agrees to begin construction of a minimum of one (1) and up to two (2) additional Cabins at Mozingo Lake Recreation Park during the Fall and Spring 2013-2014 school semesters. The District agrees to provide students from the Northwest Technical School for labor at no cost, as an education experience. The District agrees to provide all transportation to and from the Project site.

The City agrees to provide all building materials for the construction of the Project at its expense. Materials will be ordered in advance and made available onsite to utilize the Northwest Technical School assistance efficiently. The City agrees to provide and prepare all plans and specifications for construction of either a large, medium, small cabin or a combination thereof. The Northwest Technical School Director will work with the City to decide which type(s) of cabin can be adequately constructed by the District.

In return for assistance with the Project, the City agrees to convey to the District a lot located at 308 E. 6th Street by Special Warranty Deed. Said lot is currently zoned R-2 and measures 66' wide by 132' deep shown on Exhibit "A". Upon acceptance by the District, said deed shall be recorded at the Nodaway County Recorder of Deeds Office.

After discussion of the terms of the proposed agreement, staff recommended that the Memorandum of Understanding be presented with an ordinance for approval at the next meeting.

#### **APPOINT/REAPPOINT MEMBERS TO PLANNING AND ZONING COMMISSION**

Member Marlin Slagle submitted his resignation in January, 2013, after serving on the Planning and Zoning Commission since 2001. Since that time, an application was received from Michael Thompson and was taken to the City Council for consideration. Since Michael Thompson currently serves on the Mozingo Lake Recreational Park Advisory Board, Council requested that staff continue the search for a candidate that is not currently serving on another city board in order to encourage more involvement in the community.

Since that time an application was submitted by Kirk Larson, requesting to be considered as a member of the Planning and Zoning Commission. Mr. Larson's application was provided for the Council's review and consideration.

May 1, 2013, the three (3) year term of Members Bob Martin, Robert Cronk and Luke Reven will expire. They have agreed to serve another term if approved by the City Council.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel to appoint Kirk Larson as a new member of the Planning and Zoning Commission and to reappoint Members Bob Martin, Robert Cronk, and Luke Reven to serve another three (3) year term on the Planning and Zoning Commission. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

#### **ACCEPTANCE OF DEED AND DESIGNATION OF S. MUNN AVENUE AS PUBLIC RIGHT-OF-WAY**

The City Clerk presented a bill, Bill No. 2013'27 for an ordinance entitled:

**An Ordinance Authorizing Acceptance of a Deed for a Certain Tract of Land and  
Dedicating Said Tract for Public Right-Of-Way Purposes, to be Known as South Munn  
Avenue, Maryville, Missouri**

The City of Maryville approved a Road Relinquishment Agreement with the Missouri Highways and Transportation Commission through Ordinance No. 7486 on December 10, 2012. The agreement transferred maintenance for a portion of State Highway "V" right-of-way to the City along Munn Avenue. Right-of-Way contained in the agreement was approximately 476 linear feet of Munn Avenue near its intersection with State Highway V. Transfer of the right-of-way is crucial to the proper design and construction of the Munn Avenue Improvement Project, Phase III.

Section (3) of the Road Relinquishment Agreement also states "*, the Commission shall convey by quitclaim deed, to the Agency the portion of the State Highway which is the subject of the Agreement. The Agency agrees to accept the deed from the Commission.*" The referenced Quitclaim Deed has been executed and recorded at the Nodaway County Recorder of Deeds Office by the Missouri Highways and Transportation Commission. The proposed ordinance officially accepts the recorded deed and dedicates the area as public right-of-way for South Munn Avenue. Staff recommended approval by the Council.

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 Funston to approve acceptance of deed for public right-of-way. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7513 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE AUTHORIZING THE CITY OF MARYVILLE, MISSOURI, TO ENTER INTO A BOND COMPLIANCE SERVICES AGREEMENT WITH GILMORE & BELL**

The City Clerk presented a bill, Bill No. 2013'28 for an ordinance entitled:

**An Ordinance Authorizing the City of Maryville, Missouri, to Enter into a Bond Compliance Services Agreement**

The City has multiple outstanding tax-exempt bond issues which have provided financing for various projects over the years. The City is subject to certain ongoing restrictions and obligations imposed by federal tax and securities laws, including those relating to the use of the proceeds of tax-exempt obligations and the continuing disclosure of certain portions of the official statement for each tax-exempt issue. Gilmore & Bell has served as the City's bond counsel on all of these issues, and in order to better monitor the post-issuance compliance requirements, staff desires to engage them to perform certain services relating to these compliance requirements under a Bond Compliance Services Agreement.

The services and fees would vary based on the types of services provided for each deal and the complexity of calculations that must be performed to provide the services relating to the specific bond issue.

Adopt the proposed ordinance to enter into a Bond Compliance Services Agreement with Gilmore & Bell for the purpose of monitoring the post-issuance compliance requirements of the City's bonds and other obligations.

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 Councilwoman Riedel to approve acceptance of deed for public right-of-way. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7528 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2013-16.

**PURCHASE TWO 72" ZERO TURN MOWERS BY MOZINGO PARK RECREATION PARK-GOLF MAINTENANCE DEPT.**

The City Clerk presented a bill, Bill No. 2013'29 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Holtman Masonry, Inc., for the Purpose of Purchasing Two 72 inch Zero Turn Mowers for the Mozingo Lake Recreation Park, Golf Maintenance Department, Maryville, Missouri**

The Mozingo Lake Recreation Park Golf Course Maintenance Department submitted a request for proposal to purchase two (2) rough/trim mowers. These mowers will replace two (2) existing units that have exceeded their useful life. The golf maintenance department utilizes this type of mower in our daily operations of mowing the golf course rough, clubhouse and maintenance building grounds, the entrance road, nurseries, etc. Each mower operates approximately 25-30 hours per week during the growing season.

Eleven sealed bids were submitted by qualified vendors and opened by the City Clerk on April 2nd. The department's recommendation is to accept the lowest priced proposal submitted by Maryville Outdoor in the amount of \$19,512.00, less \$7,000 trade-in for a total cost to the City of \$123,512.00. Our current trim mowers were also supplied by Maryville Outdoor and we have been well pleased with service received. A copy of the bid tabulation sheet is attached.

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 Jonagan, seconded by Councilman Funston to approve acceptance of deed for public right-of-way. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7515 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2013-17.

**AN ORDINANCE TO AMEND CHAPTER 550 OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE RELATED TO THE REGULATION OF PUBLIC RIGHTS-OF-WAY**

The City Clerk presented a bill, Bill No. 2013'30 for an ordinance entitled:

**An Ordinance Amending Chapter 550 of the Municipal Code of the City Of Maryville by Designating Certain Existing Sections as Article I and Adding a New Article II Related to Regulation of Public Rights-Of-Way**

Chapter 550: Excavations of the Municipal Code details the regulation of excavations within public rights-of-way. Currently the code details excavation procedures, but does not adequately reflect proper rights-of-way management for aspects of development that may affect public health, safety, and welfare. Several companies, outside of existing franchise agreements, have recently approached the City to lay additional fiber optic cable within public rights-of-way expediting the need for municipal code review.

The proposed ordinance designates the existing code regarding excavations as "Article I: Excavations in Rights-of-Way" and adds "Article II: Rights-of-Way Management". Article II declares a set of specific terms and conditions that are applicable to any use of public rights-of-way not covered in existing franchise agreements. The amended code requires all right-of-way users constructing or maintaining facilities to complete a Right-of-Way Agreement to be approved by City Council ordinance. The agreement comes with a \$2,500 application fee and is effective for a term of five (5) years. Other code sections refer to requirements for proper barricades and safety devices, traffic control, hours of activity, facility relocation, and liability. Each user of right-of-way under the agreement must guarantee the restoration for a period of four (4) years and maintain a performance and maintenance bond for said work. The amount of the bond will be \$5,000 or the value of restoration as determined by the Public Works Director.

The majority of code amendments address procedural requirements for proper right-of-way management. Additional revenue in the amount of \$2,500 would be received for each approved right-of-way user per term.

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 Jonagan, seconded by Councilman Riedel to approve acceptance of deed for public right-of-way. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7516 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE A RIGHTS-OF-WAY USE AGREEMENT FOR COMMUNICATION FACILITIES WITH MISSOURI NETWORK ALLIANCE, LLC**

The City Clerk presented a bill, Bill No. 2013'31 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Rights-Of-Way Use Agreement for Communication Facilities with Missouri Network Alliance, LLC, Maryville, Missouri**

According to the amended Section 550.120: Franchise or Rights-of-Way Agreement Required, no ROW User may construct, maintain, own, control, or use Facilities within the public rights-of-way without a franchise or Right-of-Way Agreement. Missouri Network Alliance, LLC has applied for a Right-of-Way Agreement to install BlueBird, LLC fiber optic cable within the public right-of-way and maintain existing infrastructure. Missouri Network Alliance, LLC has completed the proper application and submitted a \$2,500 application fee for such agreement. The \$2,500 application fee has been received by the City.

Staff recommended approval of the proposed ordinance to execute a Rights-of-Way Use Agreement for Communication Facilities with Missouri Network Alliance, LLC for a period of five (5) years. Section 550:120 of the Municipal Code also states that all such franchises and agreements shall be approved by ordinance of the

Council on a non-discriminatory basis provided that the applicant is in compliance with all applicable requirements. Missouri Network Alliance, LLC has completed all such requirements.

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 Councilwoman Riedel to approve acceptance of deed for public right-of-way. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carries.

Said bill was then numbered Ordinance No. 7517 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and identified the agreement as Contract No. 2013-18

**AN ORDINANCE TO AMEND CHAPTER 630: CABLE TELEVISION SYSTEM OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE RELATED TO VIDEO SERVICE PROVIDERS**

The City Clerk presented a bill, Bill No. 2013'32 or an ordinance entitled:

**An Ordinance Exercising Certain Authority Relating to Operation of Video Services Providers within the City**

Chapter 630: Cable Television System of the Municipal Code details the license tax required by any company supplying a cable television system for compensation for using public rights-of-way. A monthly franchise payment of five percent (5%) of gross receipts to the City of Maryville is required by Ordinance 99'3 from W.K. Communications Inc.

The 94th General Assembly enacted SB284 establishing a state-wide franchise scheme for cable television and Video Service Providers, called the 2007 Video Service Providers Act. The Act authorizes municipalities to continue to regulate the use of rights-of-way and municipal fees on Gross Revenues as well as other requirements and obligations to be imposed on franchise entities. The 2007 Video Service Providers Act requires an update of the Municipal Code of Maryville to ensure proper compliance.

The proposed ordinance repeals Sections 630.010 through 630.050 and adds code sections corresponding to Missouri State Statues. Under Section 630.110: Franchise Fee, each Video Service Provider is still obligated to pay the City a fee of five percent (5%) of Gross Revenues. Late payments shall accrue interest at one and one-half percent (1.5%).The new state-wide franchise scheme calls for quarterly franchise tax payments, rather than the monthly payments the City had been receiving under its current ordinance.

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 Jonagan to approve Council Bill 2013'32, to repeal and adopt new Sections 630.010 through 630.050 and add code sections corresponding to Missouri State Statues. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carries.

Said bill was then numbered Ordinance No. 7518 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE CHANGE ORDER NO. 1 WITH ORR CONSTRUCTION MANAGEMENT FOR ADDITIONAL WATERLINE SERVICES ON THE MUNN AVENUE IMPROVEMENT PROJECT**

The City Clerk presented a bill, Bill No. 2013'33 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville to Execute Change Order No. 1, of a Contract Between the City of Maryville, Missouri and Orr Construction Management To Provide Additional Waterline Services, on the Munn Avenue Street Improvement Project, Maryville, Missouri**

The Munn Avenue Improvement Project is currently under construction by contractor Orr Construction Management. The project has an original contract price of \$2,121,975.15 with a substantial completion date of October 15, 2013. After bidding the project, City staff identified an 8" water line crossing near the south drive of the Maryville High School was

omitted from the plans. The waterline is crucial to complete a loop feeding the school and the residential area located east of Munn Avenue north of the school. With the age of the line, staff recommends replacement underneath Munn Avenue to reduce the need for repair and excavation to the new roadway.

Orr Construction Management has agreed to complete the additional work of 114.0 linear feet of 8" water line (including all valves, tees, fittings, etc.) for a total cost of \$11,213.14. Change Order No. 1 increases the total contract price to \$2,133,188.29. The additional waterline costs will be incurred by the Water Fund.

Staff recommended approval of the ordinance to execute Change Order No. 1 with Orr Construction Management to provide additional waterline services on the Munn Avenue Street Improvement Project. Change Order No. 1 will replace a deteriorated waterline crossing Munn Avenue and protect the integrity of the City's infrastructure investment.

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 Jonagan to approve the ordinance to execute Change Order No. 1 with Orr Construction Management to provide additional waterline services on the Munn Avenue Street Improvement Project. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7519 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and made a part of the original contract being Contract No 2013-01.

#### **An ORDINANCE TO EXECUTE A CONTRACT FOR SALE OF REAL ESTATE WITH TODD STAGNER FOR 302 E. 6<sup>TH</sup> STREET**

The City Clerk presented a bill, Bill No. 2013'34 for an ordinance entitled:

##### **An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract for Sale of Real Estate with Todd Stagner, for a Vacant Lot Located at 302 East 6<sup>th</sup> Street, Maryville, Missouri**

The property located at 302 E. 6th Street is a vacant, city owned property considered surplus. A bid opening was held on April 1, 2013, for the sale of this property. Two (2) bids were received, 1) Todd Stagner: \$7,750.00 and Kirby Morrison: \$4,750.00.

The previous structure on the site was demolished in September, 2010 by the City of Maryville and the property has remained vacant since that time. The property was previously placed out for surplus bid in June, 2011 however no bids were received.

Mr. Stagner is a local developer who intends to develop the property with a residential structure. Releasing the property for private development will allow for the subject property to be placed on the tax roll as taxable property.

Staff recommended the approval of the proposed ordinance and sale of the property located at 302 E. 6th Street to the highest bidder, Todd Stagner, for the amount of \$7,750.00.

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 Jonagan to approve ordinance and sale of the property located at 302 E. 6th Street to the highest bidder, Todd Stagner, for the amount of \$7,750.00.

Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carries.

Said bill was then numbered Ordinance No. 7520 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and identified the agreement as Contract No. 2013-19

#### **A RESOLUTION TO ADOPT THE CAMPUS TOWN REDEVELOPMENT INCENTIVE PROGRAM**

The City Clerk presented a bill, Bill No. 2013'35 for a resolution entitled:

## **A Resolution Adopting the Campus Town Redevelopment Incentive Program for the City of Maryville, Missouri**

On July 9, 2012, the City Council approved Ordinance No. 7432 regarding the creation of zoning overlay districts. Each district designated special zoning requirements placed over existing base zones listed in Section 405.020 of the Municipal Code of Maryville. The overlay districts created consisted of one "CTO" – Campus Town Overlay District and two (2) "UNO" – University Neighborhood Overlay Districts. The CTO was designed to encourage the development of rental residential adjacent to the Northwest Missouri State University campus and away from other predominantly single-family residential neighborhoods.

Many structures located in the CTO boundary are predominantly rental units designed for student housing. By nature of use, a large portion of these structures have fallen into a state of disrepair or are considered substandard/dilapidated. The City has worked over the course of the last year, removing a significant number of unsafe and dangerous structures in the community, including several located in the CTO. The proposed Campus Town Redevelopment Incentive Program (CTRIP) is designed to further incentivize property owners within the CTO to proceed with infill and redevelopment to enhance the area.

The program encourages the demolition of existing structures that may detract from the appearance and functionality of the area while increasing the assessed property values through redevelopment. The program authorizes an application process to the City Manager for waiver of tipping-fees on demolition debris and waiver of all permit fees associated with redevelopment. Applications will be reviewed on numerous factors such as; condition of the existing structure(s), strength of redevelopment plan, impact to tax base, and improvement to overall appearance of the CTO. Approved applicants must execute a Performance Agreement requiring the existing structures to be demolished within three (3) months and construction to begin within twelve (12) months from the date of the agreement. Tipping-fee bills at the Maryville Transfer Station will be enforceable by all methods of debt recovery unless terms of the agreement are met by the property owner. According to the CTRIP, the waiver of tipping fees will be capped at \$20,000 per redevelopment and subject to funding availability. There is no right to entitlement to waive fees cited herein and application decisions are made at the discretion of the City based on public benefit.

Financial implications as a result of CTRIP will vary upon redevelopment project scope. Tipping fees for single-family residence removal typically ranges between \$3,000 - \$4,000 per structure and redevelopment permit fees varies significantly accordingly to the type of unit. For example, a standard duplex development would require approximately \$3,000 in permit fees.

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 Jonagan to adopting the Campus Town Redevelopment Incentive Program. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carries.

Said bill was then numbered Resolution No. 599 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **REPORTS**

#### **I. Student Liaison**

- Liaison Cody Uhing, presented a copy of a resolution approved by the Student Senate of Northwest Missouri State University (NWMSU) expressing their opposition of the age requirement to enter local bars being changed to twenty-one (21).
- The Student Senate has narrowed down the recommended student to serve as the Student Liaison to the City Council for the coming school year beginning next fall. A recommendation will be presented at the April 22, City Council Meeting. Cody Uhing will continue to serve as liaison during the summer months but serve as President of the Student Senate in the fall.

#### **II. City Manager:**

- *Munn Avenue Street Improvement Project (South Ave. to Highway V)* - Construction on Phase I of the Munn Avenue Street project is underway and on schedule. Orr Construction Management has completed approximately 40% of all clearing and grubbing of Phase I and significant storm sewer installation. Sections C-1 to C-7, C-6 to F-1, C-3 to G-2, have all been completed totaling \$86,000 of the construction contract based on unit price.



- *Phase M, Hospital to Middle School Trail* – The Notice to Proceed for Construction of the project was issued to Andrew Spire Construction, LLC on March 18, 2013. The contractor has been completing clearing and grubbing as well as general grading for the trail path.
- *Mozingo Lodge Request for Qualifications (RFQ)* - City staff has delayed the release of the Mozingo Lodge RFQ until mid-late April to allow for updates to the Hotel Market Study. The current Hotel Market Study completed by IDM Group, LLC uses Smith Travel Research trend reports from August 2011. New trend information will allow IDM to update the Executive Summary of the Hotel Market Study to ensure the RFQ reflects accurate market data. IDM has also agreed to provide a framework for a potential Phase II partnership to promote and market the RFQ to proper industry avenues and contacts. The revised RFQ release period will also allow City staff to promote the RFQ to national industry contacts at RECON, the Global Retail Real Estate Convention at the Las Vegas Convention Center, May 18-22, 2013.
- *FY13 Community Development Block Grant (CDBG) Program* – The Missouri Department of Economic Development has released the application and guidelines for available 2013 CDBG Program funds. Applications for demolition funding are due May 15<sup>th</sup> and staff has analyzed the use of the program to continue unsafe and dangerous structure removal. The program requires a complicated application process and only structures vacant for a period of one (1) year are eligible for funding. Only one of several of homes within the Maryville community meets this requirement. With several other procedural complications, applying for demolition funds may complicate existing removal efforts and is not recommended at this time. Northwest Regional Council of Governments has assisted the City in the past receiving CDBG funds and was consulted regarding details of the program.
- *HeRo Grant Update* - The Home Repair Opportunity (HeRO) Program provides funding to meet the need for home repair for low and moderate income homeowners in non-metropolitan areas of Missouri. The Missouri Housing Development Commission provided \$88,000 in funding to Maryville in 2012 for this program. Four homes have been approved for repairs in the total amount of \$74,884.00. Repairs will be complete by October and if significant funds remain, a request will be made to use them on a fifth structure.
- *Mental Health Task Force Spring Conference* –The Northwest Missouri Mental Health Task Force (MHTF) is hosting their Spring conference Thursday, April 11<sup>th</sup> from 5:30-8:30 p.m. at the Maryville Community Center. The program will include a presentation entitled “Targeting Bullying at School, at Home, & Online: Realistic Strategies for Prevention and Intervention.” Findings of the Target Bullying Research and Empowerment Initiative lab led by Dr. Susan Swearer and University of Nebraska-Lincoln graduate students will be presented. The second half of the evening will focus on “Successful Strategies to Reduce Underage Drinking.” This panel discussion will cover the history behind the “21 & Over” ordinance along with the comprehensive environment management approach implemented in Warrensburg and at the University of Central Missouri beginning in 2007. Warrensburg Partners in Prevention (WPIP) will discuss the evidence-based strategies put into place to realize reductions in: underage binge drinking, underage students who drink at bars, underage students who drink at house parties or social gatherings off-campus, underage students who experience trouble at school due to alcohol use, and students hurt or injured due to alcohol use. WPIP is Warrensburg’s counterpart to the Northwest Substance Abuse Task Force (SATF).
- *Maryville Wastewater Treatment Plant* – The City is finalizing engineering plans and land acquisition to construct a wastewater treatment plant capable of meeting new regulations imposed by the Environmental Protection Agency (EPA) and Missouri Department of Natural Resources (DNR). The selected site is located in the 100-year flood plain of the 102 River and must be raised several feet. Staff has now finalized an agreement from a neighboring property to secure 72,000 cubic yards of borrow material and a temporary construction staging area for the contractor. Construction of the project is scheduled for bid in May and the new treatment plant must be operational by July 1, 2015.
- *19 vs. 21, Bar Admittance Public Forum* – The City of Maryville has scheduled a public forum regarding the bar entry age for Tuesday, April 23, 2013 at 7:00 p.m. in the Maryville Community Center. The meeting is designed to capture additional input from citizens and is open to the public. Establishment owners will also be contacted directly and encouraged to attend. The City Council intends on making a formal decision in June or July of this year.
- *Joint Emergency 911 Dispatching* – With the current Public Safety Facility Needs Assessment RFQ and conversations at the State level, several groups have reconvened discussions regarding joint emergency dispatching. A formal study was performed in the late 90’s and again in the early 2000’s, but resulted in no

changes to the dispatching process. In 2008, a subcommittee of the Joint Planning Task Force studied the issue again for the better part of the year. At the tie, all parties were in favor of combining the operation, but without a dedicated funding source it was cost prohibitive. Other major hurdles to the effort included description of staff duties, capital start-up costs including equipment, and governing structure. The Joint Planning Taskforce has now renewed discussions and is interested in the City Council's view on the potential of combined operations. The City has data from the 2008 efforts and will be providing a summary of information for council discussion at the April 22<sup>nd</sup> meeting. The Joint Planning Task Force will reconvene May 20, 2013 to discuss this and other area initiatives.

- *2012 Tree City USA Community* – The City of Maryville has been recognized as earning the Tree City USA designation once again by the National Arbor Day Foundation. Maryville achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation. The Tree City USA program is sponsored by the National Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters. This is the fifteenth (15<sup>th</sup>) time Maryville has earned the designation.
- *Mozingo Lake Recreation Park Grand Re-Opening Event* – Saturday, April 6, 2013, Mozingo Lake Recreation Park held the Grand Re-opening celebration. Overall, staff considered the event a success. Some of the final numbers that we have put together so far are:
  1. 21 fishing teams (University Teams).
  2. Approximately \$1,200 sold in boat passes.
  3. Approximately 1,500 visits to the "Point"
  4. Approximately 50 guests on the tour of park facilities
  5. Golf course sales of approximately \$5,800.00

Mozingo's Social Media presence has also dramatically increased over the past several days. So far, 150 photos have been posted for the event and along with other online activity initiated by staff, the Mozingo webpages now have a reach of over 5,000 people. Staff has received numerous comments from residents about how much they enjoyed the event. Mozingo staff worked incredibly hard to prepare for the event and clean up, and their efforts deserve recognition. The event was planned by a joint partnership with Northwest Missouri State University's Advanced Advertising Class and city staff. Overall, the event was a great way to reintroduce the park to the community, attract new guests to the park, and emphasize the new branding and marketing concept.

**Council Members:**

- Councilwoman Riedel expressed her appreciation to all who assisted with the Mozingo Grand Re-Opening event.
- Mayor Fall expressed his appreciation to Cody Uhing for his participation as the Student Liaison.

**ADJOURNMENT**

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

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James R. Fall, Mayor

ATTEST:

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Sheila Smail, City Clerk