

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

April 22, 2013

7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, April 22, 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 Fall and the roll was called by the City Clerk, with the following present to-wit: Mayor James R. Fall, Council Members Renee Riedel, Jeff Funston, Ronnie Moss and Glenn Jonagan. 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; Dir., Public Works C.E. Goodall; Student Liaison Cody Uhing and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Fall led the pledge to the flag.

**INVOCATION**

Councilman Funston gave the invocation.

**APPROVAL OF THE AGENDA**

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

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

**CITIZENS TO BE HEARD**

Mayor Fall 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.

**PRESENTATION: MOZINGO LAKE RECREATION PARK REBRANDING, NWMSU ADVANCED ADVERTISING STRATEGIES CLASS**

Three students of the Northwest Missouri State University Advanced Advertizing Class Strategies class were present to review the process of the development and results of the rebranding of the Mozingo Lake Recreation Park. Jackie Lamer, Advisor, began the process with student in the fall semester of 2012. During the fall semester they began by looking at the various logos that had been used to identify the various parts of the park. Some areas had multiple logos, while other amenities had not been identified and promoted well. A unified logo was determined and established, with the entire Mozingo area being identified as Mozingo Lake Recreation

Park. Each area was then identified as a subtitle. Signs have been placed at the entrance of the golf course and park.

The spring semester brought to the project a new group of students to move forward with advertisement and promotion of a Grand Reopening of Mozingo Lake Recreational Park. Plans began with inviting Mitch Gallagher, a Maryville native who has moved to Nashville Tennessee to pursue his dream of being a country music artist, to perform on stage with his band, on Saturday, April 6, 2013. A current Northwest student opened the event by performing his versions of many country songs. Other activities such as a run/walk, face painting, a bounce house, and fishing contest were available to participate in throughout the day.

Students used multi-media sources, radio, newspaper advertising, circulars and posters to make the public aware of the event. The event was successful.

Since the reopening event the class continued efforts by developing a new brochure, working on social media plans, prospects of billboard signs, in park signage, and a silo painting. With the school year winding down, the class is working on a portfolio to provide to the city for reference and to provide recommendations moving forward.

Maryville Council thanked the students for their hard work and contribution to the rebranding of Mozingo Lake Recreational Park.

## **DISCUSSION: 4<sup>TH</sup> STREET IMPROVEMENT PROJECT – CONCEPTUAL DESIGN**

John Chamberlin, SK Design Group, was present to inform the City Council of the esthetics details of the 4<sup>th</sup> Street Corridor Improvement Project. Beginning on the west end of the project, at the approach of the Northwest Missouri State University Campus, Mr. Chamberlin explained the changes proposed to the functionality and layout of the turn onto South Dunn Street.

Throughout the 4<sup>th</sup> Street Improvement Project it was proposed that an eight foot (8') sidewalk would be placed along the south side of the street, brick while a ten foot (10') trail would be placed along the north side of 4<sup>th</sup> Street. The one hundred (100) and two hundred (200) blocks of West 4<sup>th</sup> Street will carry forth from the uptown the stamped brick sidewalk look, while the remainder of the sidewalks going west will be of a traditional look. The new sidewalks will meet all American Disability Act (ADA) regulations.

The street will be milled and overlaid with two inches (2") of asphalt, with new curb and gutter. The turn radius of some of the intersections will be increased to twenty feet (20') to better serve traffic needs. Driveways onto West 4<sup>th</sup> Street from the City parking lot and the lot across the street south, at 4<sup>th</sup> and Buchanan Street, will be illuminated, leaving the entrances and exits onto Buchanan Street only.

Lighting and landscaping were also discussed. The Council was given three (3) options on lighting. 1) Use the "acorn" decorative lamps, as used in the Downtown Revitalization Project, throughout the 4<sup>th</sup> Street Improvement

Project, on both sides of the street; 2) Light the north side of 4<sup>th</sup> Street only with a combination of the “Acorn” lamps and “shoebox” lighting; or 3) both sides of the street with a combination of the lighting types.

Landscape will include the replacement of some trees along the corridor. Six inches (6”) thick, three foot (3’) staggered walls on the south side, in the two hundred (200) block of West 4<sup>th</sup> Street will be constructed with landscaping between. The upper wall will be topped with railing.

The City of Maryville has been awarded \$240,000 in Transportation Enhancement (TE) funding from the Missouri Department of Transportation (MoDOT). The TE funds are scheduled for primary use on construction of the north side eight (8) foot wide concrete pedestrian path. Nodaway County Economic Development (NCED) has also been awarded \$487,000 in Neighborhood Assistance Program (NAP) tax credits on behalf of the project. A total of \$389,300 of the budget can be used toward ancillary features on the project including lighting, signalization, signage, and public art. The remaining NAP funds are scheduled for creation of an “Engagement of Arts Corridor” and towards a revolving loan fund for property enhancements. The City’s general fund was also provided with a one-time revenue source from an Atrazine settlement in late 2012 of \$302,309. According to the city’s financial policies, one-time revenue sources should be used on non-reoccurring expenditures such as infrastructure projects. Other financial considerations and fund balances will be discussed at the meeting based on council’s vision of the corridor and cost estimates presented by SK Design Group, Inc.

Staff will put together a financial plan to be reviewed by the City Council.

#### **DISCUSSION: SUNDAY LIQUOR SALES**

On July 10, 2012, the Missouri Governor approved HB 1498, a bill changing the law regarding liquor sales on Sundays. This law repealed provisions requiring certain establishments to have a minimum of gross receipts in order to obtain a Sunday liquor-by-the-drink license. Since the bill was passed, any person possessing the qualifications and meeting the requirements, who is licensed to sell intoxicating liquor at retail may apply through the State of Missouri for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight Sundays.

A local establishment has requested the City Council discuss the possibility of expanding the Municipal Code of Maryville to correspond with the revisions of HB 1498.

The State of Missouri charges a fee of two hundred dollars (\$200) for the special license for a Sunday liquor license. According to Section 600.440: License Fees, of the Maryville Municipal Code, an annual license fees required for licenses shall be the maximum amount allowable according to the State law, which is equal to one and one-half (1½) times the State's fees. The City’s fee for the Sunday liquor license would be three hundred dollars (\$300).

City Council, City Attorney and staff members discussed the City’s options regarding this issue. The City may be more restrictive than the State law but cannot be less restrictive, meaning that the City has the option not to

allow the sale of liquor to expand further than the current codes and/or the City can be more restrictive on the hours in which alcohol can be served on Sundays for qualifying establishments.

Staff was directed to prepare an ordinance to be presented to the Council for consideration at the first meeting in May.

### **DISCUSSION: 2013 ASPHALT OVERLAY PROJECT**

Each year the City of Maryville budgets for asphalt mill and overlay to improve street quality within the community. The FY 2013 budget includes \$100,000 for an asphalt mill and overlay project. The annual amount was reduced from previous years due to investments in several large street reconstruction projects.

Walnut Street is consistently mentioned in council planning and community discussion as needing repairs.

The section of Walnut from Lincoln Street to 12th Street is classified as Poor to Very Poor on the street condition index. Previous overlays and repairs throughout the years have led to the loss of curb height allowing for storm drainage to pool and exacerbate the asphalt erosion. The route is classified as a Collector Street in the Maryville Comprehensive Plan and is a highly traveled north-south route between the University and Lincoln Street. Previous administration had received a quote for a complete concrete roadway reconstruction of approximately \$2.2 million. Although the actual construction costs seem accurate, the estimate does not account for land acquisition and relocation that would be eminent for such a project. With a right-of-way of approximately 38 feet and a roadway surface of 20 feet, many homes and driveways along the corridor are located too close to the roadway for a proper street reconstruction.

Due to financial considerations and street condition, staff recommended proceeding with an asphalt mill and overlay for a portion of Walnut Street with FY 2013 budget funds. Several options will be presented for council consideration with the intention to budget remaining sections of Walnut for overlay in FY 2014. All options include the additional milling of 4" with 2-3" of asphalt overlay to recapture additional curb height for proper storm drainage. The project will request a brief time period between mill and overlay to allow City forces to repair critical curb sections before asphalt is laid. Improvements to curbs for storm drainage and a 4" mill will improve the roadway life and quality.

Once a segment has been selected, staff will proceed with preparation of a Request for Proposals to accept bids on the identified project. Walnut Street is identified as a key Collector Street in the Maryville Comprehensive Plan and should be improved with ongoing maintenance projects.

Options No. 1 (Walnut Street from Lincoln to Thompson – 2,044 linear feet – 4" mill, 3" overlay - \$97,000 estimate) & Option 2 (Walnut Street from Lincoln to 1st Street – 2,773 linear feet – 4" mill, 2" overlay - \$97,000 estimate and extends the overlay to the first arterial street crossing) focus on the southern portion of Walnut Street. The 2012 Asphalt Overlay did not include any overlay in the southwest quadrant of the community. The northern portion of Walnut also has significant storm drainage issues and may deteriorate further over the next year with increased truck traffic due to trail construction and CTRIP redevelopment. Option No. 3: (Walnut Street from Halsey to Jenkins – 1,315 & from 4th to 6th Street - 700 linear feet – 4" mill, 3" overlay - \$95,000 estimate) is presented to target segments of "Very Poor" condition; however are not continuous sections throughout the

corridor. It is recommended that asphalt mill and overlay of the remaining sections of Walnut are included in the FY 2014 budget.

#### **DISCUSSION: MOZINGO LAKE RECREATION PARK – BILLBOARD ADVERTISING**

Two (2) locations for available billboards for advertising Mozingo Lake Recreation Park were identified. One being on Hwy 136 near Bethany, Missouri, at Exit 92, for a cost of three hundred dollars (\$300) per four (4) week period and the other along Hwy I-29 near Mound City, Missouri, at a cost of two hundred twenty-five dollars (\$225) per four (4) week period. The proposed billboard sign locations measure 12' x 32' each.

It was determined that the City would pass on these locations but the City Council authorized City Manager McDanel to accept a better location, somewhere between Kansas City and St. Joseph, Missouri, that might become available on Highway 29 because availability of prime locations can be a small window of time.

The question arose regarding a partnership with Northwest Missouri State University (NWMSU). Some investigating will be done to see if it could be possible.

#### **AN ORDINANCE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MARYVILLE R-II SCHOOL DISTRICT FOR CONSTRUCTION OF CABINS AT MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2013'36 for an ordinance entitled:

##### **An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Understanding with the Maryville R-II School District, Related To Construction of Cabins at Mozingo Lake Recreation Park, Maryville, Missouri**

A Memorandum of Understanding (MOU) between the City of Maryville and the Maryville R-II School District was presented to the City Council for consideration. The mutually beneficial agreement between the two parties was for the construction of up to Two (2) Cabins at Mozingo Lake Recreation Park, through assistance from the Northwest Technical School. In exchange for providing the services of the Northwest Technical School, the City will convey through a Special Warranty Deed a City owned lot zoned R-2 that is currently vacant. The property is located at 308 E. 6th Street. The Northwest Technical School will use this as a future building location.

The labor for the Mozingo Cabin project will be provided at no cost by the Northwest Technical School as an educational experience. The City will provide the building materials and building plans. The plans for the three (3) cabin sizes have been substantially completed with a design issue regarding sprinkler system remaining to be resolved.

The City has budgeted \$60,000 for the purchase of building materials for the cabins. Initially, these funds were intended for the development of a single cabin. By entering a partnership with the District and the Northwest Technical School, it is likely these funds will support the majority of building supplies for two cabins. A meeting is scheduled with the Building Trades teacher to discuss lot preparation and material quantities.

Staff recommended approval of the proposed ordinance to execute a Memorandum of Understanding with the Maryville R-II School District for the construction of cabins a Mozingo Lake Recreation Park. The Maryville R-II School Board approved execution of the MOU at their April 17, 2013, meeting.

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 Funston to approve Council Bill No. 2013'36 to execute a Memorandum of Understanding with the Maryville R-II School District for the construction of Mozingo. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7522 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 2013-20.

## **REPORTS**

### **I. NWMSU Liaison**

- Cody Uhing, Student Liaison to the City Council reported that Maryville native, Danen Merrill was recommended by the Student Senate to serve as the Student Liaison to the City Council.

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel, to approve Danen Merrill, as the Student Liaison to the City Council the fall of 2013. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carried.

### **II. City Manager**

- *Munn Avenue Improvement Project (South Ave. to Highway V)* – Phase I of the Munn Avenue Improvement Project is underway and on schedule by contractor Orr Construction Management. As of this report, eighty percent (80%) of the storm sewer installation is complete on Phase I and the total project is twelve percent (12%) complete.
- *Depot Street Improvement Project (1st Street to Halsey)* – Loch Sand and Construction Company has notified the City that it is unable to complete the performance of the work on the project and comply with contractual obligations. In order to avoid a default under the original contract, Loch Sand and Construction Company is in negotiations to assign the contract to White Cloud Engineering and Construction Company. If an agreement is made for contract assignment, White Cloud will be required to provide the City of Maryville with an updated project schedule and a completion contract for City Council approval. The project is approximately 26% complete and has had several delays as a result of utility relocations and weather.
- *Phase M, Hospital to Middle School Trail* – Construction on the project by Andrew Spire Construction, LLC slowed last week due to wet soil conditions. The project is 20% complete and is scheduled for completion by July 9, 2013. The project is funded 80% by Transportation Enhancement (TE) funds through the Missouri Department of Transportation (MoDOT).
- *Significant Rainfall and Drainage Concerns* – City crews were busy assisting residents and cleaning out various storm drainage tubes in response to torrential rains recently. As much as 4 inches of rain was

accumulated around the area from the weather events on April 17-18, 2013. The volume of rain caused typical issues, but highlighted preventative improvements made by the City of Maryville last year along Peach Creek. Additional basin storage assisted in reducing the impact of flooding along the entire length of the Peach Creek corridor. Areas along the north stayed generally within their banks and flooding was expected but reduced near Highway V. City staff will continue to analyze future drainage projects that will help control this critical drainage corridor. On a positive note, the rainfall event significantly improved effects of the drought at Mozingo Lake. Between April 17 and 18, 2013, Mozingo Lake elevations rose over 2 ½ feet from 16.05 to 18.77.

- *115 N. Water Street* - The unsafe and dangerous structure located at 115 N. Water Street has now been successfully demolished by Jason Brown Roofing of Maryville. The residential structure was tagged as a “dangerous building” according to Chapter 530: Dangerous and Unsafe Buildings of the Maryville Municipal Code, after a fire on January 7, 2003. The property owners scheduled repairs and then proceeded to transfer ownership of the property several times leading to no repairs or improvements.
- *720 E. 7th Street, Surplus Lot* – Sealed bids will be accepted until 10:00 a.m., local time, Tuesday, April 30, 2013 for the purchase of excess property located at 720 E. 7th Street. The property has no identified municipal purpose and will be sold as is. An ordinance to award the surplus lot to the successful bidder is scheduled for the May 13th City Council agenda.
- *HeRO Grant Program* – The Home Repair Opportunity (HeRO) Program provides funding through the Missouri Housing and Development Commission (MHDC) to meet the need for home repair for low and moderate income homeowners in non-metropolitan areas of Missouri. Maryville has been successful in obtaining \$80,000 - \$100,000 from this program annually over the last several years. MHDC has now completed an audit of the 2011 program files and site inspections and states Maryville is “very organized and presents detailed files....great organization to work with.” Stacy Wood, Public Works Department Administrative Assistant should be commended for her guidance of this program. The Missouri Housing Development Commission (MHDC) provided \$88,000 in funding to Maryville in 2012 with four homes scheduled for rehabilitation this year. Unfortunately, no 2013 funds were distributed for the HeRO program due to a shortage of federal funding to MHDC.
- *National Crime Victims Week* -The week of April 21-27, 2013 has been designated as National Crime Victims Week. The week provides an opportunity for victims’ advocates, criminal and juvenile justice officials, allied professionals, community volunteers and citizens to join together in observance. The Maryville Treatment Center and the local Board of Probation and Parole Office – District 40, are commemorating the week with a tree planting ceremony. The ceremony will be held on Wednesday, April 24, 2013 at 10:00 a.m. at Mozingo Lake Recreation Park. A proclamation by Mayor Jim Fall will be read and music will be provided by the Maryville High School Spectrum Choir. The guest speaker for this year’s ceremony is Department of Corrections Director George Lombardi.
- *Maryville Public Library ReferenceUSA* - The Maryville Public Library has a subscription to ReferenceUSA available to businesses, entrepreneurs, and other organizations. ReferenceUSA database is

offered at no cost, in the convenience of your workplace or home. Through the series of resources, one can search the business database, residential database, new homeowners or movers, and national and international data. The tools assist users by offering insight into consumer spending, market trends, area competition, and potential room for growth through numbers and public information. As a potential entrepreneur, understanding the business environment is crucial for long-term success. The Maryville Public Library has began the release of brochures highlighting the benefits of ReferenceUSA and direct mailings including complimentary library cards so users can logon from their home or business. The service is brought to the public by a joint effort of the Maryville Public Library, Nodaway County Economic Development, USDA Rural Development, and the City of Maryville.

- *19 vs. 21, Bar Age Admittance* - The City Council will hold a public forum regarding age of bar admittance on Tuesday, April 23rd at the Maryville Community Center. The event starts at 7:00 p.m. and is open to the public in an attempt to provide council with further input from citizens and establishment owners on the topic. On April 11th, the Northwest Missouri Mental Health Task Force (MHTF) hosted their Spring Conference focusing on bullying and a “21 & Over” ordinance adopted by the City of Warrensburg, MO. Several staff and City Council members attended the presentation from Warrensburg Partners in Prevention (WPIP) to listen to their efforts and issues faced in Warrensburg before the “21 & Over” ordinance was put into effect.
- *ITGA Certification Program Completion*– Assistant City Manager, Ryan Heiland, has completed the International Town and Gown Association (ITGA) Certificate Program in Town & Gown Relations. The program is designed to strengthen collaborative relationships between the community (town) and the local university (gown). The modules completed included Introduction to Town-Gown 101, Government Relations In Town-Gown Communities, University-Facility-Student Engagement, Alcohol Beer School 101, Building Strong City/University Partnership, Public Safety-Transportation-Parking and a Capstone project. This action aligns with the 2012-2013 City Council Key Performance area of “Establishing Collaborative Relationships with Educational Partners”.
- *Fourth Street Improvement Project, NAP Tax Credits* – Nodaway County Economic Development (NCED) was awarded Neighborhood Assistance Program (NAP) Tax Credits through the Missouri Department of Economic Development for the Fourth Street Improvement Project. Please see attached press release for further information.

### **III. Council Members**

- Nothing to Report

### **ADJOURNMENT**

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, Mayor Fall, yea. Motion carried. Meeting was adjourned at 9:15 p.m.

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James R. Fall, Mayor

ATTEST:

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Sheila Smail, City Clerk