

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

August 26, 2013

7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 26, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARINGS: Rezoning Request for 622 North Market Street**

Mayor Fall opened a public hearing to hear from those present regarding the proposed rezoning of property at 622 North Market Street, owned by Patrick and Kristin Dougherty. Any person wishing to speak on this subject was asked to stand and give their name and address for the record. No persons appeared to be heard. The public hearing was closed by the Mayor.

**PUBLIC HEARINGS: Real Estate and Personal Property Tax Rate Approval for the Year 2013-2014**

Mayor Fall opened a public hearing regarding the consideration of the Real Estate and Personal Property Tax rate for 2013-14. Any person wishing to speak on this subject was asked to stand and give their name and address for the record. No persons appeared to be heard. The public hearing was closed by the Mayor.

**ROLL CALL**

The meeting was called to order by Mayor Fall and roll was called by the City Clerk, with the following present or-wit: Mayor James Fall, Council Members Ronnie Moss and Renee Riedel. Council Members Glenn Jonagan and Jeff Funston were not present. Others present were City Manager Greg McDanel; Asst., City Manager Ryan Heiland; Dir., Finance Denise Town; Dir., Public Works C.E. Goodall, Student Liaison Dannen Merrill and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Fall.

**INVOCATION**

Councilman Moss gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Fall 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 Moss, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, 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 on the agenda. Any persons wishing to speak were requested to stand and state their name and address for the record.

No persons appeared to be heard.

## **MARYVILLE PUBLIC LIBRARY BOARD PROPOSED BUDGET FOR FISCAL YEAR 2013-2014**

Stephanie Patterson, Director of the Maryville Public Library, was present to preview the Library's proposed 2013-2014 fiscal year budget with the Council Members. Director Patterson explained that there was no room for any additions to the Library's activity schedule. However, in the current year, adult tutoring sessions was added to teach basic computer skills.

## **APPOINTMENT OF MARYVILLE PUBLIC LIBRARY BOARD OF TRUSTEE MEMBERS**

Stephanie Patterson, Dir., of Maryville Public Library, reminded the City Council of the opening remaining since the appointment of members at the July 15, 2013 Council Meeting. One vacancy remained since the July 15, 2013 meeting and another had come open since that time. The Library Board of Trustees recommended that Bob Bush and Steve Klotz be appointed by the City Council to fill the two (2) vacancies on the Library Board of Trustees.

Motion was made by Councilman Moss, seconded by Councilwoman Riedel, to appoint Bob Bush and Steve Klotz to the Maryville Public Library Board of Trustees, to complete the remainder of a three (3) year term. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

## **APPOINT PLANNING AND ZONING COMMISSION MEMBERS FOR THREE (3) YEAR TERM**

The Planning and Zoning Commission had two (2) board vacancies. The City received four (4) applications for the vacancies, requesting to be considered for appointment to the Planning and Zoning . Staff recommended the City Council appoint Tom Snyders and Kirby Morrison to fill the two vacancies on the Planning and Zoning Commission.

Motion was made by Councilwoman Riedel, seconded by Councilman Moss, that Tom Snyders and Kirby Morrison be appointed to the Planning and Zoning Commission to complete the three (3) year terms. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

## **AGREEMENT WITH EDWARD JONES, AS UNDERWRITER OF 2013 WATER/SEWER BONDS**

The City Clerk presented a bill, Bill No. 2013'69 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE AN UNDERWRITING AGREEMENT WITH EDWARD D. JONES & CO., L.P. FOR UNDERWRITING SERVICES ON THE SERIES 2013 COMBINED WATER AND SEWERAGE SYSTEM REVENUE BONDS, MARYVILLE, MISSOURI**

On April 3, 2012, the voters of Maryville approved a ballot question allowing the City of Maryville to issue combined waterworks and sewerage system revenue bonds in the amount of \$13,750,000 for the purpose constructing the new mechanical wastewater treatment plant. On July 22, 2013, the City Council approved a contract with David E. Ross Construction Company to construct the Maryville Wastewater Treatment Plant in an

amount not to exceed \$11,438,800.00. With the approved construction contract, engineering, land acquisition, and 5% construction contingency, the estimated total cost of the project is \$13,981,122.

Piper Jaffray, as financial advisor to the City, circulated a request for proposals to three (3) investment firms and four (4) national and regional commercial banks for underwriting services or a direct placement of the City's upcoming bond issue.

The Edward D. Jones proposal ranked higher for having the most favorable financing terms. Staff believes they will be more likely to actually deliver the bonds at the rates proposed, based on their ability to market a majority of the bonds to the lowest cost individual investor, or retail market. Their proposal also stressed the ability to market the bonds to local Maryville investors.

This bond issue will result in additional total annual debt service of approximately \$722,000. After costs of issuance and the underwriter's discount, approximately \$13,456,225 will be available for the project fund. Over the 20 year life of the bonds, approximately \$6,900,649 will be paid in interest and \$13,750,000 in principal. Staff recommended the adoption of the proposed ordinance to authorize the Mayor to execute an Underwriting Agreement with Edward D. Jones & Co., L.P., for the purpose of underwriting the Series 2013 Combined Water and Sewerage System, Maryville, Missouri.

Upon motion duly made, 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, 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 2013'69, to Underwriting Agreement with Edward D. Jones & Co., L.P., for the purpose of underwriting the Series 2013 Combined Water and Sewerage System. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilwoman Riedel, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7551 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No. 2013-44.

#### **REZONE PROPERTY AT 622 N. MARKET ST., PATRICK & KRISTIN DOUGHERTY**

The City Clerk presented a bill, Bill No. 2013'70 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 PATRICK AND KRISTIN DOUGHERTY, REZONING PROPERTY LOCATED AT 622 NORTH MARKET STREET, FROM R-2 (SINGLE FAMILY RESIDENCE ZONE) TO R-4 (MULTI-FAMILY RESIDENCE ZONE)**

The Planning and Zoning Board received a rezoning request from Patrick and Kristin Dougherty for a property located at 622 North Market Street. The request was to change the property from R-2, (Single Family Residential Zone) to R-4, (Multi-Family Residence Zone). Mr. Dougherty would like to rezone in order to increase the density

of occupants of the structure. An R-2 Zone allows for a maximum of 2 unrelated persons in the single family house. If the rezoning is approved to an R-4 Multi-Family Zone, four unrelated would be allowed in the structure. No physical changes are planned for the structure, other than additional hard surface parking added at the rear of the property as shown in the drawing.

The Planning and Zoning Board denied the proposal to rezone the property to R-4 which would be inconsistent with the Low Density Residential Land Use designation in the Maryville Comprehensive Plan. The proposed R-4 Multi-Family Zone would offer some minor buffering from the R-2 Single Family Residential on the east side and the C-1 Commercial zoning on the west side. The value of this as a transitional land use would be minimal. Several neighbors also responded against the rezone and desire the property to remain R-2 and protect the integrity of the neighborhood. Staff recommends the denial of this ordinance to approve the rezoning due to its inconsistency with the low density residential land use shown in the Maryville Comprehensive Plan and recommendation by the Planning & Zoning Board.

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

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

Motion was made by Councilman Moss, seconded by Councilwoman Riedel to approve Council Bill No. 2013'70, to rezone 622 North Market Street, from R-2 to R-4. Upon roll being called, the vote was as follows: Councilwoman Riedel, nay; Councilman Moss, nay Mayor Fall, nay. Motion failed.

### **PROVIDING LEVY AND COLLECTION OF TAXES, GEN MUNICIPAL PURPOSES, PUBLIC LIBRARY, PARK & RECREATION**

The City Clerk presented a bill, Bill No. 2013'71 for an ordinance entitled:

#### **AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A TAX ON THE TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF MARYVILLE, MISSOURI, FOR THE YEAR 2013, FOR GENERAL MUNICIPAL PURPOSES, FOR THE PURPOSE OF MAINTAINING THE FREE PUBLIC LIBRARY IN SAID CITY, FOR THE PURPOSE OF THE ESTABLISHMENT AND MAINTENANCE OF FREE PUBLIC PARKS AND PROVIDING FOR SUITABLE ENTERTAINMENT THEREIN**

Pursuant to Section 137.073.6, RSMo, the State Auditor's Office (SAO) reviews information filed by all political subdivisions substantiating tax rates and prepares tax rate computations. Each entity then is to review the forms, hold a public hearing to adopt the tax rates, and file the forms with the County Clerk. The permitted reassessment revenue growth is the lower of the actual growth (percentage increase in adjusted valuation of existing property in the current year over the prior year's assessed valuation), the CPI (2013 consumer price index of 1.7% as certified by the State Tax Commission), or 5%. The City's actual growth of 0.7090% in 2013 was the lowest of

the three percentages, and computes to an additional \$3,062 in permitted reassessment revenue for the general fund. This results in no change from the 2012 tax rates, as detailed on the Notice of Public Hearing.

The establishment of these tax rates is expected to generate the following property tax revenues for FY 2014: General Fund-\$428,985, Parks & Recreation- \$378,800, Debt Retirement Fund - \$164,080, Public Library-\$204,000.

Staff provided a recommendation to the City Council to adopt the proposed ordinance providing for the levy and collection of a tax on the taxable real and personal property in the City of Maryville, Missouri, for the year 2013.

Upon motion duly made, 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, 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 2013'71. Upon roll being called the vote was as follows: Councilwoman Riedel, yea, Councilman Moss, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7552 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

**PROVIDING LEVY AND COLLECTION OF TAXES, TO OBTAIN FUNDS TO PAY GENERAL OBLIGATION BONDS FOR 2013**

The City Clerk presented a bill, Bill No. 2013'72 for an ordinance entitled:

**AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A TAX ON THE TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF MARYVILLE, MISSOURI, FOR THE YEAR 2013, FOR THE PURPOSE OF OBTAINING FUNDS TO PAY GENERAL OBLIGATION BONDS**

Council Bill No 2013'72 is in conjunction with Council Bill No. 2013'71 and provides for funds to obtain funds to pay general obligation bonds.

Upon motion duly made, 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, 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 2013'72. Upon roll being called the vote was as follows: Councilwoman Riedel, yea, Councilman Moss, yea; Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7553 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

**AN ORDINANCE TO EXECUTE A MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION TRANSPORTATION ENHANCEMENT FUNDS SUPPLEMENTAL AGREE**

The City Clerk presented a bill, Bill No. 2013'73 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRANSPORTATION ENHANCEMENT FUNDS SUPPLEMENTAL AGREEMENT, FOR THE FOURTH STREET IMPROVEMENT PROJECT NO. STP-4303 (101), MARYVILLE, MISSOURI**

The City of Maryville executed a Missouri Highways and Transportation Commission Transportation Enhancement Funds Program Agreement on February 11, 2013, after the Missouri Department of Transportation (MoDOT) Transportation Enhancement (TE) Committee selected the Fourth Street Improvement Project for up to \$240,000 in funding. The proposed project seeks to enhance a six (6) block area between downtown and Northwest Missouri State University. Transportation Enhancement Funds are typically used for pedestrian/trail improvement projects in Missouri.

Engineering is nearly complete and designed improvements to the corridor include construction of the following elements: eight (8) foot wide concrete walking and biking path along the north side, a new five (5) foot concrete sidewalk on the south side, replacing numerous deteriorated curb & gutter sections, providing new ADA compliant ramps and detectable warning strips at crosswalks, decorative historic black streetlight poles with acorn fixtures, sections of stamped colored concrete, new modular block retaining walls and handrails, proper utility adjustments, landscaping, extension of the State of Missouri Arboretum located on the university campus, asphalt mill & overlay, construction of a "T" intersection at Dunn Street to improve safety, benches, trash receptacles, and public art.

According to Section 16(a) of the TE Program Agreement, the reimbursement language identifies the federal share for the project at 13.5% not to exceed \$240,000. The percentage was based on an original cost estimate for all improvements to the corridor at \$1,783,034. Under the current contract, if the project scope is modified to include phasing or reduced in scope, the City of Maryville would only be reimbursed at a rate of 13.5%, which may not allow for utilization of all funds. After several meetings with MoDOT, they have agreed to alter the language to place the federal share at 80% effectively allowing for full use of \$240,000 regardless of phasing to meet the City's needs and financing ability. Upon further negotiations with MoDOT, approval has also been granted for use of up to \$200,000 of STP Small Urban Funds for the corridor.

The Supplemental Agreement provided for Project No. STP 4303(101) allows for the potential use of \$440,000 from the Missouri Department of Transportation for improvements to the Fourth Street corridor.

City Staff recommended approve of the proposed ordinance to enter into the Missouri Highways and Transportation Commission Transportation Enhancement Funds Supplemental Agreement for the Fourth Street Improvement Project, Project No. STP-4303 (101). The supplemental agreement allows for the City Council to discuss phasing and increases the flexibility of financing on construction of the project.

Upon motion duly made, 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, 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 Moss, seconded by Councilman Riedel, to approve Council Bill No 2013'73, to approve the City entering into a Missouri Highways and Transportation Commission Transportation Enhancement Funds Supplemental Agreement for the Fourth Street Improvement Project, Project No. STP-4303 (101). Upon roll being called the vote was as follows: Councilman Moss, yea; Councilwoman Riedel, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7554 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Supplemental Agreement was made a part of Contract No. 2013-04.

**REPEAL/ADOPT NEW SECTION 705.300: WATER RATES AND CHARGES AND 705.310: SEWER RATES AND CHARGES**

The City Clerk presented a bill, Bill No. 2013'74 for an ordinance entitled:

**AN ORDINANCE TO REPEAL SECTION 705.300: WATER RATES AND CHARGES; AND SECTION 705.310: SEWER RATES AND CHARGES, TITLE VII. PUBLIC UTILITIES, CHAPTER 705: WATER AND SEWER, ARTICLE II: RATES AND CHARGES, OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE, MISSOURI, AND TO ADOPT A NEW SECTION 705.300: WATER RATES AND CHARGES; AND SECTION 705.310: SEWER RATES AND CHARGES:, PERTAINING TO THE SAME SUBJECT**

The Environmental Protection Agency (EPA) has required the Missouri Department of Natural Resources (DNR) to implement new regulations for ammonia removal and disinfection of the sanitary sewer prior to discharging from the facility. Currently, Maryville's existing sewer lagoon does not meet compliance and will require the mandatory construction of mechanical sewer treatment plant. According to an extension agreement with DNR, the new plant must be operational by July 1, 2015 or the City may face administrative or civil action for any damages, expenses, penalties, and fees that result from noncompliance.

On April 3, 2012, the voters of Maryville approved a ballot question allowing the City of Maryville to issue combined waterworks and sewerage system revenue bonds in the amount of \$13,750,000 for the purpose constructing the new mechanical wastewater treatment plant. The election materials presented to the public stated that the bonds would be repaid through revenues derived from combined water-sewer bills. The impact on the

combined water and sewer rates was estimated at an overall 25-30% increase. The additional revenues will be applied to the principal and interest on the bonds, plus additional operation and maintenance (O&M) costs of the new facility.

The City of Maryville is in the process of issuing the approved \$13,750,000 in revenue bonds. In conjunction with issuance of bonds, staff has prepared the appropriate water/sewer rate increase ordinance. Since the project is an improvement to the City's sanitary sewer infrastructure, the majority of the increase is allotted to the sewer portion of a customer's bill. An increase of 5% to the water side and 45% sewer will generate approximately \$431,990 towards the anticipated debt service and increased O&M at \$830,000. Staff recommends this gap filled over the next several years by steady and smaller rate increases associated with normal planned maintenance of the system. Bond covenants also require the City to maintain rates at a level sufficient to generate enough current year revenues to cover current year operational expenses. Staff provided chart of the current rates and the proposed increase from the individual customer's perspective.

City Council was urged to adopt the proposed ordinance to repeal and adopt a new Section 705.300: Water Rates and Charges and Section 705.310: Sewer Rates and Charges, Title VII. Public Utilities, Chapter 705: Water and Sewer Article II: Rates and Charges of the Municipal Code of Maryville to establish new rates for utility bills for metered water usage beginning September 1, 2013. The rates outlined by the ordinance are consistent with informative materials presented to the public for the April 2012 election. While the Maryville Wastewater Treatment Plant Improvements are ultimately financed by additional sewer revenues, a small water rate increase is also required to ensure all bond covenants are met and to continue proper operation and maintenance of the system.

Upon motion duly made, 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, 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 2013'74, to approve the proposed ordinance to repeal and adopt a new Section 705.300: Water Rates and Charges and Section 705.310: Sewer Rates and Charges, Title VII. Public Utilities, Chapter 705: Water and Sewer Article II: Rates and Charges of the Municipal Code of Maryville to establish new rates for utility bills for metered water usage beginning September 1, 2013. Upon roll being called the vote was as follows: Councilwoman Riedel, yea, Councilman Moss, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7555 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **PURCHASE WATERLINE MATERIALS FROM HD SUPPLY FOR WATER SERVICE AT WWTP**

The City Clerk presented a bill, Bill No. 2013'75 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH HD SUPPLY COMPANY FOR THE**

**PURCHASE OF WATERLINE MATERIALS FOR WATER SERVICE TO THE WASTEWATER TREATMENT FACILITY IMPROVEMENT PROJECT, MARYVILLE, MISSOURI**

A new 2" water service is required to serve the new Wastewater Treatment Improvement Facility. During the initial design of the project, it was determined the service could be installed cheaper by City staff outside the scope of the contract. Water Maintenance Superintendent Eric Lance has received material quotes from three (3) suppliers. The material quotes were as from HD Supply, \$6,379.50; Schulte Supply, \$6,524.75; and Winwater, \$7,695.00. Materials for the water service extension will be purchased from the Wastewater Treatment Plant line item in the Water/Wastewater Fund budget.

Staff recommended to the City Council to approve the proposed ordinance to execute a contract with HD Supply Company for the purchase of waterline materials for water service to the Wastewater Treatment Facility Improvement Project for an amount of \$6,379.50.

Upon motion duly made, 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, 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 2013'75, to approve the purchase of waterline materials for water service to the Wastewater Treatment Facility Improvement Project for an amount of \$6,379.50. Upon roll being called the vote was as follows: Councilman Councilwoman Riedel, yea, Councilman Moss, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7556 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No 2013-45.

**PRESENTATION OF PETITION TO ANNEX REAL ESTATE, BY SARAH J. ARNOLD TRUST**

The City Clerk presented a bill, Bill No. 2013'76 for an ordinance entitled:

**AN ORDINANCE TO ACKNOWLEDGE THE PRESENTATION OF A PETITION TO ANNEX CERTAIN REAL ESTATE, OWNED BY SARAH J. ARNOLD, AS TRUSTEE OF THE SARAH J. ARNOLD TRUST DATED NOVEMBER 2, 2001, SCHEDULING A PUBLIC HEARING ON SAID PETITION DIRECTING THAT NOTICE OF SAID HEARING BE PUBLISHED IN THE MARYVILLE DAILY FORUM**

A petition for voluntary annexation was received for property located along Icon Road, owned by Sarah J. Arnold Trust. The annexation petition covers a single property, but impacts two (2) development projects a) proposed Senior Housing Project and b) single family housing development proposed by Keith Arnold.

*I. Senior Housing Project:* ClearPath Senior Holdings, LLC, a St. Louis Missouri based company, approached the City of Maryville to express their interest in constructing an assisted living facility (ALF) in the

community. As the company performed their due diligence on market and site selection, city staff and Nodaway County Economic Development worked with them to answer any questions and voiced support for the project concept. In the process of their consideration to locate in Maryville, ClearPath targeted a location along Icon Road south of the Maryville city limits as their potential location. Recently the company took steps to finalize their land transactions and has completed identification the full scope of the project.

ClearPath identified their desire to construct a fifty (50) bed facility and approached the State of Missouri for a Certificate of Need (CON). The hearing involved the company presenting information to the state committee that the need was evident in Maryville and that as a community we were supportive of expanding care for seniors in Maryville. Mayor Jim Fall, City Manager Greg McDanel, NCED Director Lee Langerock, and several others testified that the need has been expressed in the community and that the construction of an ALF directly aligns with the Maryville Comprehensive Plan. Recently, ClearPath received CON approval from the State of Missouri to proceed with the proposed Maryville project. Having received that state certification, ClearPath is now ready to “green light” the project. Having announced their intentions to come to Maryville, they are now able discuss the project with the council and community development partners.

A portion of the property ClearPath has placed under contract is owned by Keith & Sarah Arnold and is located along Icon Road, just west of the Edwards Street Water Tower. The development will require approximately five (5) acres of the twenty-nine (29) acre property owned by the Arnold’s.

*II. Single Family Housing Project:* In conjunction with the senior living project, the Arnold’s have expressed the desire to build additional single family homes, which is the continuation of a development concept shelved several years ago during the recession. The Arnold’s are now petitioning the City Council for voluntary annexation of the entire twenty-nine (29) acre property to ensure both projects will be in the city limits.

The proposed ordinance was presented to formally accept accepts the petition for consideration and schedules the required public hearing for the September 9, 2013, City Council Meeting. Property owner Keith Arnold and representatives from ClearPath Senior Holdings, LLC will be in attendance to discuss the project and answer questions at that time. After the public hearing a fourteen (14) day period is required by state statute to allow for objections. Per the proposed schedule, a voluntary annexation ordinance for the property would be considered at the second meeting in September.

An extension of a 12’ water main extension will be required to serve the proposed developments. Further discussions regarding a water main extension and potential cooperative project between the property owner, the City of Maryville, and Public Water Supply District No. 1 will occur and be presented to council at an upcoming meeting.

Staff recommended approval of the proposed ordinance accepting a petition to annex certain real estate owned by Sarah J. Arnold, as Trustee of the Sarah J. Arnold Trust dated November 2, 2001, and schedule a public hearing regarding the annexation for September 9, 2013. Approval of this ordinance will begin the process of further conversation regarding the construction of the assisted living facility by ClearPath Senior Holdings, LLC and single family homes by Keith Arnold. Both potential projects directly align with the comprehensive plan and annexation

of the property will ensure the developments occur within jurisdictional boundaries of the City of Maryville.

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

Motion was made by Councilman Moss, seconded by Councilwoman Riedel, to approve Council Bill No 2013'76, to approve the proposed ordinance acknowledging the presentation of the petition to annex property into the city limits and to schedule a public hearing for September 9, 2013. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilwoman Riedel, yea, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7557 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **REPORTS**

### **I. Student Liaison**

- The Safe Rides Program has received \$1,000.00 in donations from Walmart and \$20,000 from local donations.
- There are 1,300 Freshman and 200 International students attending Northwest Missouri State University this year.

### **II. City Manager**

- *Munn Ave Improvement Project (South Ave. to Highway V)* - The contractor completed paving of Phase I & II, on Monday, August 12, 2013 and despite internal delays both phases were opened to traffic by the August 15, 2013 deadline. Phase III began Monday, August 19, 2013 and all traffic is restricted to the north section of pavement along the new roadway. The contractor began demolition of Phase III and preparation of the subgrade. Subgrade conditions along Phase III are much improved toward the South and will not require the same depth of fill. The project remains on the original schedule for completion by October 15, 2013.
- *Depot Street Improvement Project (1st to Halsey)* - The contractor on the Depot Street Improvement Project has completed all main line paving, intersections, and drive approaches on the project. The contractor began pouring sidewalk along the corridor which will soon lead to the opening of the roadway to through traffic. Final restoration items are anticipated in early September as a part of the final inspection process.
- *Unsafe & Dangerous Structure Removal* - City Attorney Doug Thomson and City Staff recently held a meeting to streamline the unsafe & dangerous process for the efforts to address housing in the community. Three additional structures have now been selected to proceed to the Board of Code Appeals for determination as unsafe and dangerous or substandard. If the Board of Code Appeals reaffirms the

determination, the property owner has sixty (60) days to complete the necessary repairs or removal of the structure.

- *2013 Asphalt Overlay Project* -Keller Construction is has completed the 2013 Asphalt Overlay Project which included Walnut Street from Lincoln to 1st Street and a block of W. Thompson at the entrance to Judah Park. Walnut Street was milled to the base allowing for City crews to repair sections of curb along the corridor. The roadway was then overlaid by the contractor with 1.5" to 2" of new asphalt.
- *Mozingo Lake Recreation Park Trash Services RFP* -The City of Maryville is seeking proposals form qualified firms to provide trash removal services for Mozingo Lake Recreation Park. Proposals will be accepted until Wednesday, September 4, 2013 at 10:00 a.m., at which time the proposals will be opened and read aloud. It is anticipated that the selected proposal will be taken to the City Council on September 9, 2013 for consideration and services will begin October 1, 2013.
- *Smoke Testing Services RFP* - The City of Maryville is seeking bids for a firm to provide smoke testing services for the Maryville sanitary sewer system, which includes approximately 350,000 linear feet of sanitary sewer system. Proposals will be accepted until Wednesday, September 4, 2013, at 11:00 a.m. An optional pre-bid meeting will he held on Wednesday, August 28, 2013 at 10:00 a.m. at City Hall. This project is a part of the City's annual investment toward reducing inflow and infiltration of storm water into the sanitary sewer system.
- *Iowa State Fair - Mozingo Lake Recreation Park* -The last day of the Iowa State Fair was Sunday, August 18, 2013. The total attendance for the fair once again topped one million visitors. Over the eleven days, the Mozingo Lake Recreation Park booth had approximately 8,128 visitors. Staff counted only those people where a substantial conversation took place. Overall, it was a great opportunity to introduce Mozingo Lake Recreation Park and the Maryville community to a large group of people in a condensed time.
- *Advantage Merchant Fair - Northwest Missouri State University* -Mozingo Lake Recreation Park staff attended the Merchant Fair as part of the Advantage program. The event was held at the Bell Tower at Northwest Missouri State University. This event allowed us to meet many of the incoming freshmen, some of whom had not yet heard of Mozingo. The opportunity to meet new students allowed us to explain amenities and the location of Mozingo Lake Recreation Park.
- *Mozingo Lake Recreation Park Family Cabins - Northwest Technical School* – Construction began on the two (2) new family cabins at Mozingo Lake Recreation Park. Mozingo staff has spent the summer prepping the site in anticipation of the Northwest Technical School's arrival on-site to begin construction. Staff will provide regular updates on the progress of the project.
- *Northwest Missouri Regional Airport Fly- In* - A fly-in event will be held on Sunday, September 8, 2013, at the Northwest Missouri Regional Airport. This event will include a pancake breakfast, airplane displays, National Guard display, vendor booths, and opportunities for airplane rides.

### **III. Council Members**

- City Staff were commended for their efforts in selling Mozingo Lake Recreation Park at the Iowa State

Fair.

**ADJOURNMENT**

Motion was made by Councilwoman Riedel seconded by Councilman Moss that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Fall, yea. Meeting was adjourned at 8:14 p.m.

---

James R. Fall, Mayor

ATTEST:

---

Sheila Smail, City Clerk