

Maryville City Council
Regular Scheduled Meeting
September 9, 2013
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, September 9, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING

Mayor Fall opened a public hearing to hear from those present regarding the proposed annexation of thirty (30) acres of land, which lies between Golden Acres Subdivision and South Icon Road, owned by Sarah J. Arnold Trust. Any person wishing to speak on this subject was asked to stand and give their name and address for the record.

Keith Arnold, husband of Sarah J. Arnold, briefed the City Council on their plans to construct an assisted living facility in the southwest corner of the proposed property and the remaining will be divided into lots (50-60) for a residential neighborhood. Mr. Arnold introduced Jim Eisenhart, Principal of ClearPath, to further explain the plans for the assisted living facility.

Mr. Jim Eisenhart, ClearPath, spoke of the proposed thirty-seven thousand square foot (37,000 sq ft) facility and the amenities. He added that local contractors have been notified and are being considered for subcontracting on this project. He added that there are three main investors in this project, Arco Construction, Jeff Cook; Provision Living, as operator and ClearPath, Developer.

No other 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 to-wit: Mayor James Fall, Council Members Ronnie Moss, Glenn Jonagan and Renee Riedel. Councilman Funston 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, Student Liaison Dannen Merrill and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Fall led the pledge to the flag.

INVOCATION

Mayor Fall gave the invocation.

APPROVAL OF THE AGENDA

Mayor Fall requested any changes to the agenda be noted at this time. No changes were noted.

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

APPROVAL OF MINUTES

Mayor Fall requested any changes to the minutes of the regularly scheduled City Council meetings held on August 12 and 26, 2013, be noted at that time.

Motion was made by Councilwoman Riedel, seconded by Councilman Moss, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, 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 asked to state their name and address for the record.

Tony Tobin, 616 North Mulberry Street, appeared before the City Council to express his concern about diesel trucks around the university campus area using excessive acceleration, causing emissions of clouds of

dark smoke and loud noises, in the North Mulberry and 7th Street area. He suggested that the drivers of these trucks have inserted an alleged illegal chip to cause the emissions and noise. He asked that the City Council consider an ordinance to make the actions described illegal.

Dir., Public Safety Keith Wood will investigate the situation.

TREASURER'S REPORT

During the month of August 2013, notable receipts of non-recurring revenue were from the 911 tax distribution from Century Link (\$31,008.30); from MoDOT for the Airport Fuel Tank Project, Pay Request No. 14 (\$36,887.00) and from MoDOT for the Hospital/Maryville Middle School trail, Pay Request No. 10 (Final-\$33,915.19)

Non-recurring disbursements for the month of August 2013 included payments to Coulter Excavating for drainage materials for the C-TRIP area (\$10,793.25); R/S Electric Motor Service for water treatment plant leak repairs (\$30,161.88); HDR Engineering for services at the wastewater treatment plant (\$18,875.70); Nodaway County, fees for collection of property taxes (\$12,469.07); KCP&L for temporary electric service for the wastewater treatment plant (\$12,573.29); Missouri Department of Natural Resources for water/sewer primacy fees, annual collection (\$18,967.67) and White Cloud Engineering and Construction for water treatment plant leak repairs (\$19,630.00).

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

PAYMENT VENDOR SCHEDULE

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

DOWNTOWN ART REPORT BY MARYVILLE ART COUNCIL

Joyce Cronin, member of the Maryville Arts Council appeared to report on the status of the organization's efforts to locate art pieces to be placed on the nodes in the downtown area. A Request for Proposal was sent out with no response. The Art Council began making contact with other Councils up to three hours from Maryville to obtain some assistance on where to locate temporary art for the downtown. The art council of St. Joseph and Kansas City, Missouri, agreed to assist. Mrs. Cronin stated they would like to have the art in place by Northwest Missouri State University's Homecoming.

THIRD STREET, ONE-WAY TRAFFIC

City Manager Greg McDanel explained that several residents have expressed their continued concerns about West Third Street from South Dunn Street to South Munn Street. On October 22, 2012, the Maryville City Council approved a bill to make West Third Street, from South Dunn to South Munn Streets, one-way. Concerns were expressed by Paula and Larry Haataja, 635 West Third Street and Brian Dorrel, 610 West Third Street about illegal parking, blocking driveway entrances and vehicles driving the wrong way.

Dir., Public Safety Keith Wood was asked to investigate the situation and report back with a recommendation for resolving the issues.

CONTRACT WITH MOZINGO SANITATION, MOZINGO LAKE TRASH REMOVAL SERVICES

The City Clerk presented a bill, Bill No. 2013'77 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE
TO EXECUTE CONTRACT WITH MOZINGO SANITATION FOR THE PURPOSE
OF PROVIDING TRASH REMOVAL SERVICES FOR MOZINGO LAKE
RECREATION PARK, MARYVILLE, MISSOURI**

Trash removal services at Mozingo Lake Recreation Park are currently provided by Porter Trash Service, LLC, of Maryville. Although there are no issues with service provided by the exiting hauler, no formal contract has been executed for this service. Upon further review, City Staff proceeded to issue a Request for Proposals

(RFP) to provide trash removal services at Mozingo to ensure a contract existed for the service. The Request for Proposals was issued August 14th with a bid opening of September 4th.

Proposals were accepted to provide trash services for thirteen (13) dumpsters, including four (4) – four (4) cubic yard containers and seven (7) – two (2) yard containers, and two (2) – six (6) yard containers twice a week during peak season and once a week during non-peak season. Per the scope of work, all refuse must be delivered to the Maryville Transfer Station. Bids were provided for a three (3) year contract of service and included bid amounts for additional containers upon request. Mozingo Sanitation provided the lowest bid which included:

FY 2013-2014 Bid (\$)	FY 2014-2015 Bid (\$)	FY 2015-2016 Bid (\$)	Total Bid (\$)
\$6,291.28	\$6,291.28	\$6,291.28	\$18,873.84

Bid for additional containers or reduction of containers per unit according to IV-Scope of Work Item (G).

Size Equivalent	FY 2013-2014 Bid (\$)	FY 2014-2015 Bid (\$)	FY 2015-2016 Bid (\$)
Two (2) Yard	\$ 302.48	\$ 302.48	\$ 302.48
Four (4) Yard	598.88	598.88	598.88
Six (6) Yard	889.20	889.20	889.20

Funds for trash removal services will be included in the Mozingo Fund annual budget. The recommended bid is an annual increase of \$508.78 from the current service.

Staff recommended approval of the proposed ordinance to execute a contract with Mozingo Sanitation for trash removal services at Mozingo Lake Recreation Park. The contract will lock the proposed rate for a period of three (3) years and ensure all refuse goes to the Maryville Transfer Station. The contract for new trash removal services will be effective October 1, 2013.

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 2013'77 to enter into a Contract with Mozingo Sanitation for removal of trash from Mozingo Lake Recreation Park. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7558 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 2013-46.

EXECUTE A MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION MAINTENANCE AGREEMENT FOR THE EXCHANGE OF THIRD ST. AND DEPOT ST. FOR FIRST STREET

The City Clerk presented a bill, Bill No. 2013'78 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION MAINTENANCE AGREEMENT, FOR THE EXCHANGE OF RESPONSIBILITIES FOR THIRD STREET AND DEPOT STREET FOR FIRST STREET, MARYVILLE, MISSOURI

On January 14, 2013 the City Council discussed ongoing negotiations with the Missouri Department of Transportation (MoDOT) regarding the designation and maintenance for portions of First and Third Streets. Currently, the eastern portion of State Highway 46 through Maryville begins at the Main & First Street intersection, travels north to Third Street, east on Third Street to Depot, and then south on Depot to First Street. MoDOT maintains this section of State Highway 46 and the City maintains First Street from Main east to Depot. The current route designation and maintenance responsibility was believed to be a result of the former Maryville High School (MHS) located along First Street and emphasis on traffic volumes through downtown Maryville. Since the original agreement, MHS has been relocated and Maryville's main commercial district has

shifted to South Main Street. It now seems appropriate to eliminate the jog and designate State Highway 46 to continue through Maryville from east to west along First Street.

Previous discussions with MoDOT to re-designate this route have failed due to the City's desire for MoDOT to enhance Third Street to City specifications. The section of Third Street contains no curbs and has limited storm water system. According to an executed agreement between MoDOT and the City of Maryville in 1956 regarding this segment of roadway, MoDOT *"does not include the maintenance, installation, removal or repair of water supply, sanitary or storm sewers, sidewalks, parking areas, parkways, trees or other ornamental vegetation, street lighting systems, pole lines, conduits, or the removal of snow other than pushing snow from the traveled portion of state highways; and the cost of such named functions shall be borne by the City."* Per this agreement, MoDOT has no legal responsibility or desire to enhance Third Street.

Positive negotiations regarding the transfer of maintenance have continued and led to the following proposal:

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

Financial impacts for the City's long-term maintenance of Third Street and Depot Street are difficult to quantify. The roadway is in decent condition yet lacks appropriate storm water system. It is assumed that City staff can make improvements in future budgets once problem areas are identified.

MoDOT has included the overlay several roadway sections around Maryville in their Surface Transportation Improvement Program (STIP) for FY 2014. The proposal to include the overlay of First Street from Main to Depot is timely and outlined as follows:

- City's designated portion – First Street "parking area" (12 feet) - \$38,874.50
- City's actual portion after STP Urban Funds - \$7,774.90 (20%)
- MoDOT's portion - \$98,527 + all other expenses on project

Upon approval of the ordinance, a deed transfer, crosswalk agreement, and funding agreement for STP-Small Urban Use will all require future council action.

Staff recommended approval of the proposed ordinance to execute a Missouri Highways and Transportation Commission Maintenance Agreement regarding the exchange of maintenance responsibilities for Third Street and Depot for First Street. The re-designation of First Street as State Highway 46 will also eliminate confusion for visitors and provide a direct east-west route through Maryville.

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 Councilwoman Riedel to approve Council Bill No 2013'78 to enter into an agreement with the Missouri Highway and Transportation Commission for the exchange of responsibilities for Third Street and Depot Street for First Street. Upon roll being called, the vote

was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7559 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. 2013-47.

FISCAL YEAR 2014 BUDGET AND ADOPTION

City Manager Greg McDanel asked if the Council Members had any questions regarding the Fiscal Year 2014 Budget, after reviewing it on September 5. The Mayor and Council Members had no further question.

The City Manager stated that he and Assistant City Manager Ryan Heiland were scheduled to attend the International City Managers Association (ICMA) Conference the week of September 23, 2013, which is the next regularly scheduled City Council Meeting. He requested that meeting be postponed until September 30, 2013, at 7:00 p.m., at City Hall.

Council Members agreed with the proposed postponement.

APPOINTMENT /REAPPOINTMENT OF BOARD OF CODE APPEALS MEMBERS

A few years ago there was a period of a few years when the Board of Code Appeals had not been summons to attend a hearing to consider the Code Enforcement approach and the effort taken by the property owner to rectify any unsafe and dangerous structures. Consequently, the Board of Code Appeals member's terms have lapsed. In an effort to bring records up to date Council is asked to consider the reappointments of all members keeping with the same term schedules. All members have agreed to serve another term, except for Charles Dodd.

Kevin Hartman had made application to be considered for the Planning and Zoning and was not selected. Since that time, Mr. Hartman was approached to see if he would consider serving as an alternate on the Board of Code Appeals and he agreed. Staff recommended reappointment of the current members of the Board of Code Appeals, and to appoint Kevin Hartman as an alternate member of the Board of Code Appeals, for a three (3) year term, to replace Mr. Charles Dodd.

Motion was made by Councilman Moss, seconded by Councilwoman Riedel, to reappointment of the current members of the Board of Code Appeals, and to appoint Kevin Hartman as an alternate member. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

REPORTS

I. Student Liaison

- Nothing to report.

II. City Manager

- *Fourth Street Improvement Project* – The City of Maryville is partnering with Northwest Missouri State University and SK Design Group, Inc. of Overland Park, KS to complete preliminary design plans for improvements to the Fourth Street corridor. Preliminary plans showing various concepts are nearing completion and the City desires to hold a public meeting to allow citizens and residents an opportunity to provide further input. A public meeting for this project has been set for 6:00 p.m., Tuesday, September 10, 2013, at the Wesley Student Center on the Northwest Missouri State University campus located at 549 W. 4th Street. Staff will be on hand to discuss the project and address any questions or concerns. All interested parties are encouraged to attend this public meeting.
- *Depot Street Improvement Project (1st Street to Halsey Street)* -The Depot Street Improvement Project was opened to through traffic on Friday, August 30th at 3:00 p.m. Contractor White Cloud Engineering and Construction Company along with subcontractor Loch Sand and Construction Company had completed the mainline paving, curb and gutter, storm sewer installation, waterline relocations, sidewalks, and reconstruction of residential and commercial driveways. Street signs will be placed along the corridor and the contractor will proceed to finalize the restoration items. The total \$1.1 million infrastructure investment has been made possible through the use of Capital Improvement Sales Tax funds.
- *Sanitary Sewer Smoke Testing* - The City of Maryville, Missouri has received bids from

interested firms to provide smoke testing services for the Maryville sanitary sewer collection system, which includes approximately 350,000 linear feet of sanitary sewer main. Bids were opened on September 4, 2013 and included proposals from five (5) separate firms. Staff intends on preparing a recommendation and ordinance for City Council consideration at the next meeting. Smoke testing will identify areas for repair to reduce inflow and infiltration of storm water into the sanitary sewer system.

- *Northwest Missouri Regional Airport* - The Hawk Road Flyers EAA Chapter 1540 flying club held a "Fly-In" event at the Northwest Missouri Regional Airport on Sunday, September 8, 2013. This is the first time the airport has hosted a fly-in event in almost 10 years & it was a great success. Around 80-100 planes flew in for the event, over 200 airplane rides were given, and almost 500 were served breakfast.
- *Mozingo Lake Recreation Park Golf Course* - The annual Labor Day Shamble was held on Monday, September 2, 2013, at the Mozingo Lake Golf Course. This is an event put on by City Staff and for the first time in the history of the event, it was sold out with a waiting list. Over 44 teams participated with around 100 golfers participating in the tournament.
- *Mozingo Lake Recreation Park Cabins* - The Northwest Technical School is making good progress, in spite of the high temperatures, on the construction of two (2) new cabins. As of the last week of September 2013, the framing for the walls of both cabins had been constructed and the cabins are likely to be enclosed by the beginning of October.

III. Council Member

- Nothing to Report

EXECUTIVE SESSION

Motion was made by Councilwoman Riedel, seconded by Councilman Moss that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Council Members discussed an items related to Legal Action, Causes of Action or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications between a Public Governmental Body or its Representatives and its Attorneys, as Authorized by Section 610.021(1) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Jonagan, seconded by Councilman Moss that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried

ADJOURNMENT

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel to adjourn the meeting. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

Meeting was adjourned at 9:05 pm.

James R. Fall, Mayor

ATTEST:

Sheila Smail, City Clerk