

Maryville City Council
Regular Scheduled Meeting
October 28, 2013
7:00 p.m.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, October 28, 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 roll was called by the City Clerk, with the following present to-wit: Mayor James Fall, Council Members Ronnie Moss, Glenn Jonagan, Renee Riedel and Jeff Funston. Others present were City Manager Greg McDanel; Asst. City Manager Ryan Heiland; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Public Works C.E. Goodall; Dir., Public Safety Keith Wood, Student Liaison Dannen Merrill and City Clerk Sheila Smail.

Mayor Fall prefaced the meeting with a comment to the community regarding the negative attention that the City of Maryville has experienced in the past two (2) weeks, from an alleged rape case. He expressed appreciation of the professional manner in which the staff and Members of the City Council handled the accusations made toward the City of Maryville and its citizens. Mayor Fall encouraged citizens to be proud of our community and to remember the good that is done in Maryville.

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 Councilman Funston, seconded by Councilwoman Riedel, that the agenda be approved as presented. 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 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.

REQUEST OF SUPPORT FOR 2014 GREAT NORTHWEST DAYS AT THE STATE CAPITOL

Melanie Smith, Dir., Greater Maryville Chamber of Commerce, made a request to the the City of Maryville for support of the trip to the State Capitol as a cooperative effort of the eighteen (18) county Northwest Missouri Region, to present issues to State Legislators and officials, known as Great Northwest Days. This event is set for March 4 and 5, 2014. It is a regional effort to influence legislation that will benefit all of Northwest Missouri and the State as a whole.

As in previous years, the City of Maryville was asked to support the event in the amount of one thousand, five hundred dollars (\$1,500). Motion was made by Councilman Funston, seconded by Councilman Moss, to support the 2014 Northwest Days' efforts as requested. 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.

PRESENTATION OF GRANT FUNDS, MARYVILLE PUBLIC SAFETY DEPARTMENT, BY MIRMA

Jeff Arp, Loss Control Specialist, Missouri Intergovernmental Risk Management Association, (MIRMA), presented to the City of Maryville a plaque acknowledging that the City had been selected to receive grant funds of five thousand six hundred fifty-four dollars (\$5,654), for the purchase of three (3) tasers and six (6) wearable cameras, for the Maryville Public Safety Department. Upon the purchase of these items, the City will be reimbursed the funds.

TOM AND TWYLA MARTIN RECOGNIZED FOR ORGANIZING HAUNTED CAMPGROUND EVENT

Director Rod Auxier, Maryville Park and Recreation, presented to the City Council the proposed budget for the 2013-14 fiscal year. The proposed budget had been reviewed and approved by the Park and Recreation Board Members.

Mayor Fall recognized and thanked Tom and Twyla Martin for their work in organizing the Mozingo Haunted Campground event held Saturday, October 19, 2013. This was the third year for the event and Mr. and Mrs. Martin have been very instrumental in the planning of this event each year.

The RV campgrounds are decorated and children are invited to come Trick or Treat from site to site. It was estimated that there were over nine hundred children in attendance this year.

MISSOURI HOPE 2013 PRESENTATION: DISASTER RESPONSE FIELD TRAINING EXERCISE

On October 4-6 2013, the Northwest Emergency and Disaster Management (EDM) Program for students, community members, and local and state responders, held a disaster response field training exercise focused on leadership, teamwork and

confidence building, incident command system, disaster response operations, American Red Cross introduction to Disaster Services Course and the American Red Cross Shelter Fundamentals Course. The exercise was held at the Mazingo Outdoor Education Recreation Area (MOERA) and the Mazingo Youth Camp.

Mark Corson, Professor of Geography, at Northwest Missouri State University (NWMSU) and the coordinator of the Comprehensive Crisis Program, renamed “Emergency and Disaster Management”, thanked the City for their cooperation in providing the Mazingo Lake Recreation Park, Youth Camp area. Dir, Public Safety Keith Wood and Nodaway County Disaster Relief Coordinator Christie Forney were noted to have played a large role in the exercise.

Northwest Missouri State University Students Dannen Merrill and Abby Lawrence spoke of the disaster response field training exercise experience.

Mike Stiener, Chair of Humanities and Social Science, presented Mayor Fall a Certificate of Appreciation for their outstanding support of the Missouri Hope 13 project.

REAPPOINTMENT OF MEMBERS TO THE BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment had two (2) members, Tim Faris and John Archer, who terms have expired. Both members have agreed to serve another term on the board. With no other applications received, staff recommended they be reappointed to the board for another five (5) year term.

Motion was made by Councilman Moss, seconded by Councilwoman Riedel, that Tim Faris and John Archer be reappointed to the Board of Zoning Adjustment for an additional five (5) year term. 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.

LOT SPLIT FOR PROPERTY BETWEEN GOLDEN ACRES SUBDIVISION AND ICON ROAD

The City Clerk presented a bill, Bill No. 2013’91 for a resolution entitled:

A RESOLUTION AUTHORIZING A LOT SPLIT OF PROPERTY BETWEEN GOLDEN ACRES SUBDIVISION AND ICON ROAD, OF THE CITY OF MARYVILLE, NODAWAY COUNTY, MISSOURI

The City Council approved a voluntary annexation of a 29 acre tract of land owned by Sarah J. Arnold Trust at the August 26, 2013 meeting. During the annexation process, Jim Eisenhart from ClearPath Senior Holdings, LLC and property owner representative Keith Arnold were in attendance to present plans for the development of an assisted living facility and a single-family residential subdivision on the property.

The assisted living facility project involves the construction of a forty-six (46) unit, fifty (50) bed facility complete with a memory-care unit, full-kitchen, private dining, café, living room, rehabilitation room, salon, courtyard, and activity spaces. The 37,000 square foot facility will cost nearly \$6 million to construct and employ approximately thirty (30) to forty (40) people. The project encompasses 6.27 acres of the total 29 acre property.

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 remaining 22.73 acres will allotted to this project which will be presented as a platted subdivision containing up-to sixty (60) lots in the near future.

Staff recommended the proposed resolution to approve a lot split by Sarah J. Arnold Trust for property located between Golden Acres Subdivision and Icon Road. The lot split will allow both the assisted living facility project and single family subdivision project to continue moving forward as legally defined separate tracts of land.

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.

Motion was made by Councilman Funston, seconded by Councilman Moss, to approve Council Bill No 2013’91, to approve the requested lot split for property located between the Golden Acres Subdivision and Icon Road, separating the residential area from the portion identified for the construction of the assisted living facility. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea, Councilman Funston, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

Said bill was then identified as Resolution No. 603 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONTRACT WITH SCULPTUREONE, A LEASE AGREEMENT FOR DOWNTOWN ART

The City Clerk presented a bill, Bill No. 2013’92 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO ENTER INTO A CONTRACT WITH SCULPTUREONE, FOR THE PURPOSE OF PROVIDING ART FOR THE DOWNTOWN AREA, MARYVILLE, MISSOURI

Through the work of the “Campaign for Community Renewal” and the Downtown Revitalization Project, three (3) pedestals were placed in the downtown to allow for the installation of art pieces. Art for each node were to be selected by an ad-hoc volunteer group called the Maryville Public Arts Coalition (MPAC). The intent of MPAC was to establish a temporary revolving art program that celebrated the downtown art pieces and gradually became a tourist attraction for our community. The group quickly found difficulty in acquiring artists through numerous unsuccessful RFP’s and lack of response. Eventually, the group was able to secure three (3) pieces from artist Dustin Koopman in June 2011 for a twelve (12) month contract which was then extended another six (6) months. The original pieces were abstract in nature and were met with varying opinions throughout the community. After removal of Mr. Koopman’s art, the group has found difficulty in obtaining new pieces and the nodes remain empty.

At the September 30th City Council meeting, representatives from MPAC presented an opportunity to be included in the SculptureOne Program of Sioux Falls, South Dakota. Jim Clark, of SculptureOne has guided Sioux Falls Sculpture Walk, which is a program of temporary art for sale/lease in downtown Sioux Falls. After much discussion, Jim Clark has agreed to mentor MPAC and the City of Maryville by facilitating the temporary art program through a sculpture lease agreement.

The Sculpture Lease Agreement will provide up to ten (10) sculptures per year selected by MPAC with final approval by the Maryville City Council. The lease fee per sculpture is \$2,000 per year and the sculpture year shall last from June 1st – May 31st. The proposed agreement is scheduled through the year 2018; however can be terminated with a sixty (60) day notice by either party. Under the agreement, sculptures will be promoted for sale and lease. The City of Maryville’s commission shall be 25% of each sale and lease agreement. If a sculpture is sold and removed from the sculpture program, SculptureOne will assist in the sculpture being replaced for the Sculpture Year. Jim Clark will consult with MPAC to assist with planning and implementation of the program.

The Sculpture Lease Agreement allows for the selection of up to ten (10) sculptures per year at \$2,000 a piece. At this time, MPAC is only requesting approval for three (3) sculptures to place in the empty pedestals or \$6,000 beginning June 1, 2014. The FY 2014 budget includes up to \$10,000 for public art. At the meeting, MPAC will also be presenting several additional short-term art choices for lease until the program begins June 1st.

Staff recommended approval of the proposed ordinance to execute a Sculpture Lease Agreement with SculptureOne for the purpose of providing sculptures to the City of Maryville. The lease places the City of Maryville in direct line for sculptures from an existing program and community that has demonstrated their success for temporary art. Entering the program will ensure that the pedestals do not remain empty for long periods of time during the search for artists.

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 Councilman Funston to approve Council Bill No. 2013’92, approving the proposed agreement with SculptureOne to provide downtown art. 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.

Said bill was then identified as Ordinance No. 7571 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. 2013-54.

MPAC presented three (3) options for short-term art until the other choices are provided through SculptureOne for consideration and installation June 1, 2014. MPAC has been meeting with downtown business owners over the last few weeks to determine favorable temporary art.

Motion was made by Councilman Jonagan, seconded by Councilman Funston to approve the placement and payment of the short-term pieces. 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.

RIGHT-OF-WAY AGREEMENT FOR COMMUNICATION FACILITIES WITH NW CELLULAR, LP

The City Clerk presented a bill, Bill No. 2013’93 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A RIGHT-OF-WAY USE AGREEMENT FOR COMMUNICATION FACILITIES WITH NORTHWEST MISSOURI CELLULAR, LP, MARYVILLE, MISSOURI

According to the amended Section 550.120: Franchise or Rights-of-Way Agreement Required, of the Maryville Municipal Code, no Right-of-Way User may construct, maintain, own, control, or use facilities within the public rights-of-way without a franchise or Right-of-Way Agreement. Northwest Missouri Cellular, LP has applied for a Right-of-Way Agreement to install fiber optic cable within the public right-of-way to transport telecommunications. Northwest Missouri Cellular, LP has completed the proper application and submitted a \$2,500 application fee for such agreement.

Staff recommended the approval of the proposed ordinance to execute a Rights-of-Way Use Agreement for Communication Facilities with Northwest Missouri Cellular, LP 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. The agreement requires approximately \$2.7 million in insurance coverage per occurrence. Currently Northwest Missouri Cellular, LP has \$1 million coverage per occurrence and \$1 million umbrella coverage (\$2 million total). The company will increase their total coverage to \$3 million per occurrence with their insurance renewal November 1st. Contingent upon receiving proof of updated insurance, Northwest Missouri Cellular, LP has completed all such requirements and staff recommends approval of the agreement.

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 Funston, to approve Council Bill No 2013'93, approving the right-of-way agreement to install fiber optic cable within the public right-of-way to transport telecommunications. 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.

Said bill was then identified as Ordinance No. 7572 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. 2013-55

PURCHASE 2007 HUSQVARNA, 48” ZERO TURN MOWER AND 2010 KAWASAKIO MULE 4X4

Staff was recently approached by private citizens, Ken & Esther Minter, regarding the possibility of purchasing some of their farm equipment. Mr. & Mrs. Minter live north of Maryville and are relocating to the Kansas City area. As a result, they are selling off their farm equipment inventory. There are two items that staff is looking to purchase.

The first item is a 2007 Husqvarna 48” zero turn mower with 639 hours of use and is in excellent condition. This mower would be used primarily in the RV Park to mow around the numerous obstacles. Staff has researched comparable equipment and the average price for a zero turn mower is approximately \$4,200.

The second item is a 2010 Kawasaki Mule 4x4 with 220 hours of use and is in excellent condition. The unit has two seats that can be adjusted to a long hydraulic and has a winch. Comparable pricing for this unit is \$7,600 for used and \$10,960 for new. This unit would replace an older golf cart that is no longer operable and would be used by park staff for many different maintenance needs.

The City mechanic has inspected both pieces of equipment and is of the opinion that both pieces are mechanically sound and in excellent condition.

Staff has been offered both items as a package deal for \$9,000. Per the City of Maryville procurement policy, City Council approval is required for purchasing items in excess of five thousand dollars (\$5,000). Additionally, a formal bid procedure is required for the purchase of major items. However, the procurement policy also states:

“...Proposals and competitive bid requirements may be waived, upon City Manager approval, if the items can only be acquired from a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered.”

The current situation is unique in that the best equipment available has been offered by private residents in an effort to reduce their personal inventory. As a result, written confirmation of a price and competitive bids are not possible for this equipment. In an effort to obtain the best equipment available within the budget, staff requested City Council approval for a “not to exceed” amount of \$9,000 to allow staff the opportunity to purchase the equipment from Mr. & Mrs. Minter.

The FY 2014 budget contains \$20,000 for the Mozingo Lake Recreation Park Maintenance Department to purchase replacement equipment. Should the request be granted for the transaction, payment would be made directly to Mr. & Mrs. Minter.

While this current situation is unique, Park Maintenance staff and the City mechanic have performed the necessary research and condition comparison. The equipment being offered by the Minter's is the best available within the budget and also within a two (2) hour driving range. At this time, staff would recommend a motion from the City Council

Motion was made by Councilwoman Riedel, seconded by Councilman Funston, to approve a "not to exceed" amount of \$9,000 for the purchase of the 2007 Husqvarna 48" zero turn mower and the 2010 Kawasaki Mule 4x4.

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

REPORTS

I. Student Liaison

- *Homecoming Assistance.* Student Liaison Merrill thanked the City for their assistance with the Northwest Missouri State University Homecoming.

II. City Manager

- *Munn Avenue Improvement Project (South Ave to Hwy V)*—The project continues to progress as most residential driveways were poured week of October 21, 2013. The eight (8) foot trail on the west side of the roadway was reported to be scheduled for pouring on Tuesday, October 29, 2013. The school driveway and additional trail realignment on school property running east, will also be poured the week of October 28, 2013.
- *Unsafe & Dangerous Structure Removal*—The Board of Code Appeals met on October 3, 2013 at 5:00 p.m. at City Hall to hear testimony regarding the condition of structures located at 419 E. 3rd Street, 212 W. 6th Street, and 522 S. Walnut. Upon hearing the facts, the board reaffirmed the City staff's determination of substandard for the structures beginning a sixty (60) day window for property owners to make repairs or remove the structure. The property owner of 212 W. 6th Street has pulled a demo permit and scheduled removal for October 28, 2013.
- *PeopleService Contract*—The City was issued a refund check in the amount of \$2,211 for the FY 2013 contract with PeopleService for Water & Wastewater Treatment Plant operations. PeopleService employees at the water plant were successful in reducing chemical expenses which led to the refund. The refund would have been approximately \$4,000 higher, but staff made the decision to use those funds toward a tree removal issue in the backwash lagoon which was a requirement by the Missouri Department of Natural Resources.
- *Water Sewer Maintenance Building*—A walkthrough of the facility will be scheduled for the week of October 28, and a final punch list will be given to the contractor with items to address. The building will be officially ready for staff use by mid November.
- *Wastewater Treatment Plant* – David E. Ross Construction has now completed a large portion of the dirt work on the project. The contractor estimates the project is thirty (30) days ahead of schedule and if the weather holds, the dirt work portion of the project will soon transition to trenching lines for the lagoon basins.
- *Water Treatment Plant VFD Project*— R/S Electric has completed the installation of new variable frequency drives (VFDs) and the Missouri Department of Natural Resources (DNR) has completed a final inspection to ensure the project is within specifications. DNR estimates the City of Maryville will save approximately \$20,000 annually in electrical costs with the upgrades. If the estimate is accurate, the Energize Missouri Water Loan that was used for the project will be paid back in less than four (4) years. PeopleService staff has indicated they used the drives for a short period of time and have successfully pumped more gallons a minute than ever before.

III. Council Members

- *Downtown Trick or Treat.* It was announced that the Downtown Trick or Treat event will be held Wednesday, October 30, 2013, from 5:00 until 7:00 p.m.

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: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried. Meeting was adjourned at 8:45 p.m.

James R. Fall, Mayor

ATTEST:

Sheila Smail, City Clerk