

**Maryville City Council**  
**Regular Scheduled Meeting**  
January 27, 2014  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, January 27, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING**

Mayor Fall opened a public hearing regarding the proposed change of Section 600.045: Age Limitations for Entry upon Premises of a Liquor by the Drink Licensee, Notices and Penalty, of the Municipal Code. Section 600.045 currently sets the “bar” entry age restriction at nineteen (19) years of age. Over a ten (10) month period in late 2012 and early 2013, City Council and staff studied the issue and obtained community input regarding the proper age for this code section. Numerous public input sessions were held along with meetings for establishment owners to discuss the topic. The City Council asked staff to prepare an ordinance to increase the age restriction to twenty-one (21). The ordinance was considered on May 28, 2013 and failed by a 3-2 vote.

On January 14, 2014, City staff revisited policies and enforcement tools used in other Missouri communities to address underage alcohol consumption. A comprehensive alcohol strategy list was presented to the City Council for further discussion and staff guidance. At the meeting, Councilman Jonagan made a motion to reconsider the ordinance regarding age for bar admittance which was approved by a 4-1 vote. The ordinance to amend Section 600:045 to increase age restrictions to twenty-one (21) is again being presented for council consideration.

Section 600.045 also requires any license holder to display the age restriction allowed on the premises at the principal entrance. The Section does not apply to any establishment where food or other commodities are sold at 50% or more of gross sales.

Mayor Fall requested that City Manager McDanel give a brief description of the actions taken regarding Section 600.045: Age Limitations for Entry upon Premises of a Liquor by the Drink Licensee, Notices and Penalty, of the Municipal Code.

Council Members were asked to share any comments on the issue. Each Council Member shared their view of the item being discussed throughout the Public Hearing.

Others present were given the opportunity to express their views on the issue. Those who spoke against the proposed ordinance change were Annette Hoskey, 215 North Fillmore Street; Dannen Merrill, 508 North Buchanan Street; Kirby Morrison, 1422 South Munn Avenue; Todd Stagner, 717 East 14<sup>th</sup> Street; Eric Grove, 417 East 3<sup>rd</sup> Street.

Mayor Fall closed the Public Hearing.

**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 Safety Keith Wood, Dir., Public Works Student Liaison Dannen Merrill and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Fall.

**INVOCATION**

Mayor Fall 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 Jonagan, seconded by Councilman Moss, 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.

**AMEND SECTION 600.045: AGE LIMITATIONS FOR ENTRY UPON PREMISES OF A LIQUOR BY THE DRINK LICENSEE**

The City Clerk presented a bill, Bill No. 2014’07 for an ordinance entitled:

**AN ORDINANCE TO AMEND SECTION 600.045: AGE LIMITATIONS FOR ENTRY UPON PREMISES OF A LIQUOR BY THE DRINK LICENSEE, NOTICES AND PENALTY, OF TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL, OF THE MARYVILLE MUNICIPAL CODE, MARYVILLE, MISSOURI**

Further discussion was held by the Council Members, City Staff and the City Attorney regarding Section 600.045: Age Limitations for Entry upon Premises of a Liquor by the Drink Licensee, Notices and Penalty, of the Maryville Municipal Code.

Additional opposing comments were made by Michael and Annette Hoskey, 215 North Fillmore Street; Todd Stagner, 717 East 7<sup>th</sup> Street; Student Liaison or Northwest Missouri State University (NWMSU) to City Council Dannen Merrill, 508 North Buchanan Street; NWMSU Student Senate President Cody Uhing.

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 Councilman Jonagan, to approve Council Bill No 2014’07, to amend Section 600.045, of the Maryville Municipal Code. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, nay, Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7593 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The amended ordinance will not take effect until July 1, 2014.

**AMEND SECTION 600.095: TRANSPORTING OR POSSESSION OF AN OPEN CONTAINER, MARYVILLE MUNICIPAL CODE**

The City Clerk presented a bill, Bill No. 2013’08 for an ordinance entitled:

**AN ORDINANCE TO AMEND SECTION 600.095: TRANSPORTING OR POSSESSION OF AN OPEN CONTAINER, OF TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL, OF THE MARYVILLE MUNICIPAL CODE, MARYVILLE, MISSOURI**

Section 600.095: Transporting or Possession of an Open Container of the Maryville Municipal Code currently outlines an offense for any person transporting an open container of intoxicating liquor within a motor vehicle operated within the city limits of Maryville. The offense applies to both the vehicles operator and any passenger in possession of an open container. Section 600.095 does not apply to persons possessing an open container within the public rights-of-way, thereby making it legal to have and consume alcoholic beverages in the street, sidewalks, or public parking lots.

Over a ten (10) month period in late 2012 and early 2013, City Council and staff studied the issue of “bar” entry age restrictions. Through this research it was determined that when compared to other university based Missouri communities, Maryville is the only one allowing open containers in public. These communities include Warrensburg, Springfield, Columbia, St. Joseph, Rolla, Kirksville, Cape Girardeau, and Joplin.

On January 14, 2014, City staff revisited policies and enforcement tools used in other Missouri communities to address underage alcohol consumption. A comprehensive alcohol strategy list was presented to the City Council for further discussion and staff guidance. At the meeting, Council requested an ordinance be prepared for consideration to amend the open container section to apply to areas of the general public. Council had requested that the ordinance be read one (1) time at the January 27, 2014 meeting and brought back to the Council for a second reading and consideration at the February 10, 2014 City Council Meeting

According to the proposed ordinance, *“it shall be unlawful for any person to drink, expose, or display any alcoholic beverages in open containers upon the public rights-of-way or City-owned property, or any place open to the public, whether public or private, within the city.”* Several exceptions to this new language are included to address lawfully licensed liquor by the drink holders, designated Northwest Missouri State University lots for specific athletic contests, and special events approved by council under Article IV. Special Events-Permits process. Staff is currently reviewing Article IV. Special Events-Permits anticipating changes will be required to address the request and approval of open containers at such events.

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

Motion was made by Councilman Moss, seconded by Councilman Jonagan to approve Council Bill No. 2013’08, to amend Section 600.095: Transporting or Possession of an Open Container of the Maryville Municipal Code. Council Bill 2014’08 will be brought back to the Council for consideration on February 10, 2014.

**ADOPT SECTION 215.085: NUISANCE PARTY, OF TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

The City Clerk presented a bill, Bill No. 2014’09 for an ordinance entitled:

**AN ORDINANCE TO ADOPT SECTION 215:085: NUISANCE PARTIES OF TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 215: NUISANCES, ARTICLE II – NUISANCE PROVISIONS, OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI**

Over a ten (10) month period, beginning in late 2012 and early 2013, City Council and staff studied the issue of “bar” entry age restrictions and obtained community input regarding the proper age for admittance. The Maryville Municipal Code currently sets the “bar” entry age restriction at nineteen (19) years of age. Numerous public input sessions were held along with meetings for establishment owners to discuss t sessions were held along with meetings for establishment owners to discuss if the age should be increased to twenty-one (21).

During the process many students, staff, and university professionals expressed a concern that if the city code was changed to restrict nineteen (19) and twenty (20) year olds from the bars, that the community would see an increase in residential house parties. In order to address this, city staff discussed the creation of a nuisance party ordinance to provide law enforcement officers additional tools to order the disbursement of such parties. On May 28, 2013, the City Council voted on an amendment to the bar age limitations and the ordinance failed 3-2.

On January 14, 2014, a comprehensive alcohol strategy list was presented to the City Council for further discussion and staff guidance. At the meeting, not only was a motion approved to revisit the bar age issue, but also to prepare an ordinance for consideration to address nuisance parties.

The proposed ordinance creates a new Section 215:085: Nuisance Parties and defines a nuisance party as “a social gathering of ten (10) or more people” results in any of the following occurring at the site of the gathering, on neighboring property or on an adjacent public street:

1. Unlawful sale, furnishing, possession, or consumption of alcoholic beverages;
2. Violation of any of the provisions of Sections 210.200 to 210.235 (Offenses concerning public peace);
3. Fighting;
4. Property damage;
5. Littering;
6. Outdoor urination or defecation in a place open to public view;
7. The standing or parking of vehicles in a manner that obstructs the free flow of traffic;
8. The standing or parking of vehicles on the residential property other than upon the paved portion of the driveway; or if no paved driveway exists, the standing or parking of vehicles in locations other than the

travelled portion of the driveway and dirt or graveled designated parking spots, such as vegetation-covered areas on such property

9. Conduct that threatens injury to persons or damage to property;
10. Unlawful use or possession of marijuana or any drug or controlled substance;
11. Trespassing;
12. Indecent exposure;

The number of participants identified as ten (10), is an arbitrary standard used by other Missouri communities and can be set by council. It is the intention of the ordinance, and subsequent law enforcement efforts, to investigate any nuisance party and order attendees to disperse before the event escalates beyond control.

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 Jonagan, seconded by Councilman Moss, to approve Council Bill No 2013'09, to amend Section 215:085: Nuisance Parties, of the Maryville Municipal Code. Council Bill 2014'09 will be brought back to the Council for a second reading and consideration on February 10, 2014.

#### **MUTUAL AID AGREEMENT BETWEEN NORTHWEST MISSOURI STATE UNIVERSITY POLICE DEPARTMENT AND MARYVILLE PUBLIC SAFETY DEPARTMENT**

The City Clerk presented a bill, Bill No. 2014'10 for an ordinance entitled:

#### **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MUTUAL AID AGREEMENT WITH NORTHWEST MISSOURI STATE UNIVERSITY, RELATED TO JOINT LAW ENFORCEMENT EFFORTS, MARYVILLE, MISSOURI**

Since late 2012, the City Council and staff have been studying various alcohol polices and enforcement tools used in other university based Missouri communities to curb underage alcohol consumption. Several of these policies include restricting entry into bar establishments prior to 21 years of age, strengthening open container codes, and reducing the occurrence of nuisance parties. While council may consider these items and additional tools, a key to proper implementation of these measures is the continued partnership with Northwest Missouri State University. A partnership is critical not only in prevention methods through the Maryville Partnerships in Prevention, but in law enforcement through cooperation with the University Police Department.

In an effort to provide collaborative public safety efforts on and around the university campus, the Maryville Public Safety Department and the Northwest Missouri State University Police Department is proposing a Mutual Aid Agreement between the two parties. According to the agreement, University Police Officers are granted police commissions by the City of Maryville to assist with traffic and parking ordinances in designated areas. Traffic violations shall include driving while intoxicated, leaving the scene of an accident, excessive high speed, or careless and imprudent driving. The above along with radar speed enforcement, parking enforcement and accident enforcement is allowed according to the agreement.

Along with outlining procedures for calls for assistance and follow-up investigations, the mutual aid agreement is beneficial as parking violations often lead to off-campus house parties, which is also a triggering mechanism in the Nuisance Party ordinance for council consideration. The parking enforcement will also assist with the recent challenges of converting 3<sup>rd</sup> Street to one-way between Dunn & Munn.

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 Jonagan, seconded by Councilman Moss, to approve Council Bill No 2013'10, to enter into a mutual aid agreement with the Northwest Missouri State University Police Department. Council Bill 2014'10 will be brought back to the Council for a second reading and consideration on February 10, 2014.

## COMPREHENSIVE ALCOHOL STRATEGY

In May 2013, the City of Maryville completed a lengthy public input process and discussed several strategies to reduce alcohol consumption and current enforcement procedures. In an environmental management strategy for reduction, public policy change is crucial along with educational programs, changes in the physical, social, economic, and legal environments. Staff outlined several potential public policy changes and enforcement tools utilized in other communities that could be implemented through future ordinances to help address council concerns.

At the January 13, 2014 meeting, the City Council reviewed a comprehensive list of tools and enforcement policies currently used in other communities. The City Council directed staff to prepare ordinances for consideration which included the “bar” age limitations, nuisance party, joint law enforcement efforts with Northwest, and revisions to the Open Container violations code. Along with these ordinances, council requested further information and recommendations on the prohibition of drink specials, license enforcement matters, special noise restrictions for alcohol establishments and required server training. Staff provided further information on those items for discussion purposes.

### Drink Special Restrictions

Drink special restrictions are typically designed to discourage the “binge drinking” mentality and the promotion of such by alcohol establishments. In Springfield, Missouri, the language in their ordinance prohibits any licensee to sell any drink at less than its cost, to offer for sale an unlimited number of drinks for a fixed price and/or during a fixed period of time, and restricts any form of encouragement, game, etc. that involves how many drinks can be consumed or awards drinks as a prize.

In recent years, it appears that drink specials are less of an issue than they have been in the past for law enforcement. Drink special restrictions also provide enforcement and administrative challenges such as determining and recording cost of individual drinks, and proving violations during prosecution. Unintended consequences should also be considered for restaurant “happy hours” and events such as hotel manager complimentary events, wine sampling events, etc. Staff expressed concern with any unknown ramifications from the “bar” age entry limitations revision and if drink specials will increase to draw more customers or decrease due to the change in clientele. Staff recommended not adopting a drink special restriction ordinance at this time and revisiting the issue at a later date.

### License Enforcement Matters

City Attorney Doug Thompson provided information to the City Council regarding the legal aspects of how administrative hearings occur, allowing the City to hear evidence of violations, to allow consideration of disciplinary action (suspension / revocation) on that particular license.

Historically the State hands out few discipline actions. Typical suspension time is 1-4 days and it appears that there is some degree of negotiation as to when that might be served, such as over Christmas breaks and other times to minimize the financial loss impact. In contrast, the 3-4 times that prior Councils have taken action, longer durations of suspensions have been given without regard to the convenience of when the suspension is to be served. Past Council actions may have led to several establishment owner changes resulting in improved performance. Significant discussion and direction will be required from the City Council regarding suspension “triggering” mechanisms and degrees of such suspensions.

Staff recommended further discussion with the City Attorney and set an internal procedure for violations and notices. The procedure should be highly publicized so all owners know actions that may trigger suspension. Staff also requested that special consideration be given to establishment owners who self-report violations and that they are not penalized for those occurrences.

### Bar Patrol & Law Enforcement Efforts

Enforcement in general is also the consideration of Public Safety’s direct enforcement efforts and the continuation of past efforts. In recent years, staff performs at least three (3) specific programs, all of which require special assignment, include bar patrol, compliance checks and party patrol. Maryville Public Safety has benefited from an Enforcing Underage Drinking Laws (EUDL) grant from Missouri Department of Public Safety for the last

seven (7) years which pays personnel overtime to conduct these efforts. That grant has provided approximately six thousand five hundred dollars (\$6,500) to eight thousand dollars (\$8,000) per year. Unfortunately, EUDL grant funds have been targeted as a budget cut and the continued availability of that grant is short lived, perhaps six (6) to eight (8) more months. None of the proposed ordinances will allow Maryville Public Safety to relax enforcement efforts and there will be a continued demand for each of these programs. The City need to be prepared to absorb the costs into the future at the eight thousand dollars (\$8,000) level or up to twelve thousand dollar (\$12,000) if it is determined additional funds are necessary.

The revision of several alcohol policies will create unknown variables that may change or redistribute funds required for additional bar, compliance, and party patrol efforts. Future funding levels of enforcement should be dictated by demand. Should all four (4) proposed ordinances be adopted with an effective date of July 1, 2014, staff recommended the approval of an increased total of \$12,000 to ensure increased educational and compliance efforts for the fall of 2014 semester.

Noise Restriction Ordinance

Noise restriction ordinances typically restrict the hours that an establishment may play outdoor music above a certain decibel level. If an establishment contains an outdoor entertainment area or non-permanent structure, there would be an hour and decibel level permitted for music. Factors to consider are, acceptable hours, acceptable decibel levels, enforcement procedures, and desire for outdoor entertainment options.

Staff recommended no action be taken at this time due to the challenges of mechanically measuring decibels and determining acceptable amounts, and to revisit this issue upon the completion of the fall 2014 semester to determine if the issue warrants further consideration. This issue has frequently been the source of many complaints for one establishment; however may or may not have an effect on alcohol consumption. Another establishment has recently created an elevated outdoor area which may also be relative to this discussion in future semesters.

Required Server Training

Staff believes the desired outcome with required server training is to ensure servers are better equipped and trained to read ID's, know who and when and perhaps encourage stronger reporting relationships. Items to consider are the designation of what training is to be completed, who is responsible for reporting, how often training is required, and punishments for violations. Staff was unable to identify any model ordinances from a city of similar size. St. Joseph, Missouri and Kansas City, Missouri have such a requirement with staff designated to focus on the issues.

Required server training would create significant administrative duties for both Maryville Public Safety and individual establishment owners. A determination would be required as to how frequently server training compliance is required and then how often that information is provided to law enforcement. As this training would likely apply to numerous businesses in the community, staff recommended significant public input on this topic before further consideration.

Motion was made Councilman Funston, seconded by Councilwoman Riedel, to approve a budget increase of one thousand two hundred dollars (\$1,200) for bar patrol and law enforcement efforts for the 2014 Fiscal Year budget. 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.

**ADOPT ARTICLE VI. PUBLIC ART ADVISORY COMMITTEE, OF TITLE I, CHAPTER 110**

The City Clerk presented a bill, Bill No. 2014'11 for an ordinance entitled:

**AN ORDINANCE TO ADOPT TITLE I. GOVERNMENT CODE, CHAPTER 110: ADMINISTRATIVE BOARDS, ARTICLE VI: PUBLIC ART ADVISORY COMMITTEE OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE, MISSOURI**

Through the work of the "Campaign for Community Renewal" and the Downtown Revitalization Project, an ad-hoc volunteer group was created called the Maryville Public Arts Coalition (MPAC) to promote visual arts within Maryville. The group was first tasked with obtaining three (3) pieces of art for the pedestals installed with the downtown project. 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 it

difficult in acquiring artists through numerous unsuccessful RFP's and lack of interest. Eventually, the group was able to secure three (3) pieces from artist Dustin Koopman in June 2011 for an eighteen (18) month period. The original pieces were abstract in nature and were met with varying opinions throughout the community.

Part of the groups challenge in securing art for downtown seemed to rest with the inherent nature of ad-hoc volunteer groups. The group was loosely formed and lacked a concentrated effort to implement a plan. When original pieces were removed early last year, the group recommitted to the public art initiative and secured a partnership with the SculptureOne Program of Sioux Falls, South Dakota. The program lease was approved on October 28, 2013 and will ensure temporary art is secured on an annual basis. Since approval of the lease, the group has continued to consistently meet and has been instrumental for proper installation of the new artwork.

MPAC met on January 9, 2014 and discussed a proposal from City Staff to restructure the group as an official advisory committee to the City Council. The group reviewed the draft code section to incorporate the group as an administrative board similar to the Mozingo Advisory Board. The group unanimously approved the proposal and now is requesting the approval of City Council.

The proposed Article VI: Public Art Advisory Committee section of Chapter 110, a Public Art Advisory Committee would be established and appointed by the City Council to oversee the selection and placement of public art, as well as the promotion thereof. The committee shall consist of seven (7) members appointed by council with one (1) member to serve a one (1) year term, three (3) members to serve two (2) year terms, and three (3) members to serve three (3) year terms. The City Council may then appoint or reappoint members to three (3) year terms once the initial term has expired.

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 Funston, seconded by Councilman Jonagan, to approve Council Bill No 2014'11, to adopt Article VI: Public Art Advisory Committee, Chapter 110, A Public Art Advisory Committee, of the Maryville Municipal Code to be established and appointed by the City Council. 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. 7594 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

Motion was made by Councilman Jonagan, seconded by Councilman Moss, to appoint Bob Bush, Melanie Smith, Joyce Cronin, Leslie Ackman, Diane Sudhoff, and Shanda Keirse to the newly approved Public Art Advisory Committee. Upon role being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carried.

#### **PARTICIPATION IN 2014 SHOW ME GREEN SALES TAX HOLIDAY, APRIL 19 AND 25, 2014**

The City Clerk presented a bill, Bill No. 2014'12 for an ordinance entitled:

**AN ORDINANCE ALLOWING THE "2014 SHOW ME GREEN SALES TAX HOLIDAY" TO APPLY TO THE LOCAL SALES TAXES OF THE CITY OF MARYVILLE, MISSOURI, BETWEEN APRIL 19 AND APRIL 25, 2014.**

Beginning April 19, 2014 at 12:01 a.m. and ending April 25, 2012, at midnight, the Show Me Green Sales Tax Holiday will again be available through the State of Missouri. This event allows consumers to purchase qualifying "Energy Star" appliances without paying State sales tax normally applied to purchases.

The City of Maryville has participated in this event each year since its inception in 2009. If the City elects to participate in the Sales Tax Holiday, consumers will be exempt from paying city sales tax on qualifying items for the same period of time, from local merchants. The purpose of this item is to clarify the City's intent in participating in the 2014 Show Me Green Sales Tax Holiday.

Upon approval of the Council Bill, a copy of the executed ordinance was be forwarded to the Missouri Department of Revenue to verify the City's intent.

Due to the fact that the Missouri Department of Revenue does not track the sales made during this period for the purpose of identifying the amount of sales tax revenue not collect, during the Sales Tax Holiday, it would be impossible for the city to identify this figure without the States documentation.

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 Jonagan, seconded by Councilman Moss, to approve Council Bill No 2014'12, to participate in the 2014 Show Me Green Sales Tax Holiday Event, April 19-25, 2014. 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. 7595 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **PARTICIPATION IN NODAWAY COUNTY NATURAL HAZARD MITIGATION PLAN**

The City Clerk presented a bill, Bill No. 2014'13 for a resolution entitled:

#### **A RESOLUTION OF INTENT TO PARTICIPATE IN NATURAL HAZARD MITIGATION AND TO WORK TOWARD BECOMING A SAFER COMMUNITY.**

In the spring of 2013, work on the Nodaway County Hazard Mitigation Plan update began with the assistance of the Northwest Regional Council of Governments. The county's Hazard Mitigation Plan is a planning document which helps to assess the potential damages for Nodaway County and its jurisdictions. It summarizes the composition of Nodaway County, potential hazards, and actions which may be used to reduce or eliminate the impact of disasters. Many Nodaway County residents and local governments worked diligently to develop and implement changes to the plan. On January 9, 2014, the Nodaway County Natural Hazard Mitigation Plan received "Approval Pending Adoption" status from the Federal Emergency Management Association (FEMA).

Adoption of the Nodaway County Natural Hazard Mitigation plan is a necessary step for all jurisdictions of Nodaway County, including the City of Maryville, Northwest Missouri State University, and Maryville R-II to access federal grant programs related to disasters. These programs include Pre-Disaster Mitigation, Flood Mitigation Assistance, and the Hazard Mitigation Grant Program. In 2013, the City of Maryville received \$172,500 in Pre-Disaster Mitigation funds toward an emergency generator project. The project is anticipated to be bid within the next month and will install generators at four (4) critical sanitary sewer lift stations and one (1) for the Public Safety Facility.

Representatives on the Hazard Mitigation Committee from Maryville included the Fire Captain, Fire Lieutenant, Public Safety Disaster Coordinator, and the St. Francis Hospital Director.

In order to be eligible for several types of federal grant programs, the City of Maryville must adopt the Natural Hazard Mitigation Plan. Staff recommended approval of the proposed ordinance to adopt the Nodaway County Multi-Jurisdictional Natural Hazard Mitigation Plan for the purpose of building a safer community and reducing natural hazard vulnerability. Adoption of the plan ensures the City of Maryville is also eligible for federal grant funds related to disaster recovery and mitigation.

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 Jonagan, seconded by Councilman Moss, to approve Council Bill No 2014'13, to adopt the Nodaway County Multi-Jurisdictional Natural Hazard Mitigation Plan. 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 identified as Resolution No. 604 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **REPORTS**

### **I. Student Liaison**

- In February a celebration will be held of the National Championship Football Title Team.
- With the adoption of the ordinance requiring persons to be twenty-one (21) or older to enter the bars will create new issues but new opportunities are sure to be found within the city.

### **II. City Manager**

- *2014 Asphalt Overlay Project.* During preparation of the FY 2014 Budget, staff presented the City Council with suggested road segments to be included in the 2014 Asphalt Overlay Project. The project will consist of the mill and overlay of approximately 3 miles of linear streets with the budgeted funds of \$375,000. Staff is reevaluating the list of streets to determine if any streets that may have deteriorated further over the winter may need to be included. A final street recommendation list will be presented to council in February and then bid to correspond with the Missouri Department of Transportation (MoDOT) asphalt project bids.
- *Phase C, 7th & 9th Street Trail Project.* The Missouri Department of Transportation (MoDOT) has approved final plans, specifications, and estimates for STP-9900(110), Phase C, 7th & 9th Street Trail Project. The approval will allow final bid specifications to be prepared and a notice to contractors to be issued. Advertisement of the bids will begin February 3rd with a bid opening date on March 6, 2014. According to the proposed schedule a Notice to Proceed to contractors could then be issued for March 31, 2014. The project constructs an eight (8) foot wide off-street concrete trail from Northwest Missouri State University along 9th Street east to Main Street and from Main Street to Davis along 7th Street.
- *Water Main Project, Phase I.* The Water Main Project, Phase I, remains under construction and portion of the new waterline has been laid. The subcontractor assisting with boring was in town last week and completed borings under Highway 71 Bypass and Highway 136. White Cloud Engineering and Construction Company has scheduled completion of the project for this summer.
- *Maryville Wastewater Treatment Plant Project* - Contractor David E. Ross Construction has remained at a standstill on the project for several weeks due to winter weather. The desired settling has been achieved from dirt work completed last fall. David E. Ross Construction submitted information to HDR Engineering for a substantial change order on the project. The contractor has found savings in various areas which include a \$30,000 deduct for roofing, a \$53,000 deduct for piping material changes, an \$11,191.22 increase for additional work on the entrance road, and several other minor items. The approximate amount of the change order results in an \$81,000 deduct to the original contract amount. Staff recommends waiting on official change orders until further into the project to determine if any additional expenses are required.
- *PeopleService Inc., Winter Operation & Maintenance.* Over the winter months, PeopleService, Inc. has been busy conducting routine maintenance and repairs at the Maryville Water Treatment Plant. A new air pump for maintenance cleans has been installed, valve actuators on trains are being replaced, and a new exhaust fan for the pump house has been purchased. Quotes are currently being obtained for upgrading lighting fixtures in the membrane building and rerouting a six inch (6") line in the membrane building to filter waste. All wastewater industrial pretreatment annual reporting has been completed for 2013.
- *Financial Software Upgrade* - The financial software conversion has been progressing steadily over the last six (6) months and has reached a "go-live" stage for utility billing starting January 27, 2014. One of Tyler Technologies consultants was onsite January 6-9, 2014, to do a pre-live training with staff responsible for billing and cashiering. Since that time, staff has had the opportunity to practice the new processes in a test database environment. Tyler Technologies representatives will be on site January 27 thru February 3, 2014 to

complete staff training in utility billing and cashiering in the live environment. During the last half of March and beginning of April the financial and payroll systems are also planned to go live.

- *Airport Pavement Rehabilitation Project* - JVIation, Inc. is preparing the Taxiway Preliminary Submittal to city staff and the Missouri Department of Transportation (MoDOT) Aviation Division for approval. Topographical survey work has been completed by Midland Surveying along with several utility locates. Geotechnical investigation was also completed by TSi Engineering, Inc., and consisted of several core samples and the digging of several test-pits. The project rehabilitates certain deteriorated pavement and performs electrical upgrades at Northwest Missouri Regional Airport. More specifically the project targets the northernmost taxiway on the apron, panels in areas of distress at the north end taxiway turnaround, and provides for new taxiway edge lights, wind cone, and runway edge lights. The project is funded 90% with Missouri State Block Grant Funds.
- *Fire Engine Surplus* - The City of Maryville is seeking bids for sale of a 1982 Smeal/Ford 8000 Diesel, 5-speed manual transmission fire truck. Sealed bids will be accepted until Monday, February 3, 2014 at 11:00 a.m. at which time all bids will be opened and read aloud. The unit has 16,525 miles (1,845.7 hours), a 1000 GPM waterous pump (330.7 hours) and a 500 gallon booster tank. In December 1998, a remanufactured Caterpillar 3208 diesel engine was installed at 10,487 miles (1,156.8 engine hours). The truck will be available for inspection with advance notice at the Maryville Public Safety Facility.
- *City Hall Janitorial Services* - The City of Maryville is seeking firms or individuals interested in providing janitorial services for City Hall. Proposals will be received until 10:00 a.m., Monday, February 3, 2014. Proposals will be evaluated on a fee schedule, references, and proven experience working with similar sized janitorial jobs. The term of the contract will be for a period of three (3) years. A tour of the facility may be scheduled in advance by contacting City Clerk Sheila Smail at 660-562-8001.
- *Great Northwest Day at the Capitol 2014* – Great Northwest Day at the Capital 2014 is scheduled for February 4th and 5th at the Capitol Plaza Hotel in Jefferson City, Missouri. The event promotes awareness through unifying and working together with other communities of Northwest Missouri to approach and present issues to State Legislators and officials. It is facilitated by Leadership Northwest Missouri, a regional leadership development program for community leaders in Northwest Missouri. To register for the event, please contact Melanie Smith at the Greater Maryville Chamber of Commerce or learn more at [www.greatnorthwestday.com](http://www.greatnorthwestday.com).
- *City Hall & Public Safety Facility Needs Assessment* – City staff has been working with consultant WSK&F for the last several months to develop current and future spatial needs for both City Hall and the Public Safety Facility. The consultant utilized staff interviews to figure industry accepted square foot needs for both 2013 staff levels and levels projected in 2033. As schematic and conceptual layouts are developed, the consultant will begin to analyze potential sites for further discussion. It is anticipated that WSK&F will hold a series of workshops with the City Council and public in March. These workshops will discuss the process to develop layouts, footprints, potential costs, site analysis, schematics and visual renderings.
- *Mozingo Lake Recreation Park Master Plan RFQ* – The City of Maryville has issued a Request for Qualifications (RFQ) inviting qualified firms and companies to assist the City in preparing a Master Plan for Mozingo Lake Recreation Park. The purpose of this study is to assess the existing conditions of Mozingo Lake Recreation Park and begin to address the needs (camping facilities, recreation facilities, features, infrastructure, and programming) of anticipated growth. The Maryville Comprehensive Plan and IDM Hotel Study both recommended the development of a 20- year master plan for park facilities. Proposals were accepted until 5:00 p.m. January 21st and six (6) companies' submittals. A review committee has been established and proposals will be discussed with the Mozingo Advisory Board at the January 30th meeting.
- *Mozingo Lake Recreation Coordinator* – The City of Maryville is currently seeking candidates for a Recreation Coordinator position in the Operations Division of Mozingo Lake Recreation Park. The position is responsible for coordinating and implementing the hospitality services, as well as assisting with marketing and recreational programming. Primary responsibilities will include reservation system and customer service management,

supervision and scheduling of part-time cleaning and information booth staff, maintaining the park's website and social media activities, supply ordering and general clerical responsibilities. The position will also expand to assist with marketing, event planning, and recreational program development. An Associate's degree in Office Information Systems, Parks & Recreation, Tourism, Public Relations or Business or related field is required. At least six (6) months related experience or Bachelor's degree is preferred. Amy Strough, Human Resources Manager is the contact person for submissions or questions. The position will remain open for resumes and applications until close of business on Friday, January 31, 2014.

- *Mozingo Lake Recreation Park – Special Event* Bird Hunters United will be holding a field dog trial event at Mozingo Lake Recreation Park the weekends of January 31, 2014 and February 7, 2014. This event is a national field dog trial event where game birds (pheasants, dove, and quail) will be placed in a field and the dog handler and dog will have 20 minutes to locate, flush, and retrieve the birds. Dogs will be judged on how well they perform each of these tasks. For this event, there are three (3) fields around the multi-purpose building in the youth camp that will be utilized. Bird Hunters United has a classification specifically for youth participants in addition to the adult categories. In years past, approximately 25% of participants have been youths. In order to promote the youth aspect, a large portion of prizes are dedicated to the youth categories. This national event will always be held in the northwest corner of Missouri as set by the guidelines of Bird Hunters United and that organization has stated that Mozingo would be first choice for the event in future years. Bird Hunters United has also expressed willingness to provide support for habitat management within Mozingo, specifically related to invasive weed control, in the future. For this two weekend event, Bird Hunters United has reserved all five (5) family cabins, all youth cabins, and the multi-purpose building.

### **III. Council Members**

- *Mozingo Lake Recreation Park Advisory Board Meeting.* The next Mozingo Lake Recreation Park Advisory Board Meeting is scheduled for Thursday, January 30, 2014, at 5:30 p.m., at City Hall.

### **ADJOURNMENT**

Motion was made by Councilman Jonagan, seconded by Councilman Moss that the meeting be adjourned. Upon the 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. Meeting was adjourned at 8:50 p.m.

ATTEST:

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James R. Fall, Mayor

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Sheila Smail, City Clerk