

**Maryville City Council**  
**Regular Scheduled Meeting**  
April 14, 2014  
7:00 p.m.

**PUBLIC HEARINGS**

**I. Rezoning request for property located 541 West 2<sup>nd</sup> Street, owned by Daniel Carlson**

Mayor Fall opened a public hearing to hear from those present regarding the proposed rezoning of property at 541 West 2<sup>nd</sup> Street, owned by Daniel Carlson. Any person wishing to speak on this subject was asked to stand and give their name and address for the record.

Daniel Carlson, owner of the property at 541 West 2<sup>nd</sup> Street, stated that the property was a high quality rental within walking distance of the university.

Asst., City Manager Ryan Heiland gave background of the Comprehensive Plan and the purpose for the University Neighborhood Overlay District to the Campus Town Overlay.

Paula Haataja, 635 West Third Street, stated she appreciated that Mr. Carlson came to the City for approval but that allowing the rezoning requested would encroach upon the Single Family Dwellings. The University Neighborhood Overlay District was intended to preserve the single family neighborhoods.

With no further discussion the public hearing was closed by the Mayor.

**II. Special Use Permit for property located at 817 South Country Club Road, Maryville Assisted Living Facility**

Mayor Fall opened a public hearing to hear from those present regarding the proposed Special Use Permit for property located at 817 South Country Club Road. Any person wishing to speak on this subject was asked to stand and give their name and address for the record.

No persons appeared to be heard. The public hearing was closed by the Mayor.

**III.Planned Unit Development for property located at 507 & 509 West 8<sup>th</sup> Street, 804 & 806 North Walnut Street, and 814 & 816 North Walnut Street**

Mayor Fall opened a public hearing to hear from those present regarding the proposed Planned Unit Development for property located at 507 & 509 West 8<sup>th</sup> Street, 804 & 806 North Walnut Street, and 814 & 816 North Walnut Street. Any person wishing to speak on this subject was asked to stand and give their name and address for the record.

No persons appeared to be heard. The public hearing was closed by the Mayor.

**OPENING OF REGULAR MEETING**

The Council of the City of Maryville, Missouri, met in regular session on Monday, April 14, 2014, 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 R. 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 C.E. Goodall and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Fall.

**INVOCATION**

Councilman Moss gave the invocation.

**STATEMENT BY THE MAYOR**

Mayor Fall had prepared a statement expressing his appreciation to the citizens of Maryville for allowing him to serve as a Councilman, Mayor Pro-Tem and Mayor during his three (3) year term.

**APPROVAL OF THE AGENDA**

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

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

**APPROVAL OF MINUTES**

Mayor Fall requested any changes to the minutes of the City Council meetings held on March 3 and 24, 2014, be noted at that time.

Motion was made by Councilman Moss, seconded by Councilwoman Riedel, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Jonagan, yea; Councilman Moss, 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 requested to stand and state their name and address for the record. No persons appeared to be heard.

**TREASURER’S REPORT**

During the month of March 2014, the City received non-recurring funds from Missouri Intergovernmental Risk Management Association (MIRMA), for the Water Treatment Plant insurance reimbursement for shutdown claim in 2013 (\$90,960.25)

Non-recurring disbursements for the month of March 2014 included payments to David E. Ross Construction for pay estimate six (6) on the Wastewater Treatment Plant (WWTP) construction (\$81,866.17); HDR Engineering, for engineering services for the WWTP (\$27,211.24); Tyler Technologies, for software conversion progress billing (\$18,082.02); SK Design, for 4<sup>th</sup> Street Streetscape engineering (\$ 9,242.58); Jviation, for Airport taxiway improvements (\$15,269.35); MO-Haug Communication, for radios for Public Safety (grant funded) (\$9,250.00); Ed M. Feld Equipment, for twelve (12) turnout gear for the Public Safety Department (\$22,608.00); Missouri Department of Economic Development for unused balance of Energy Loan for the Water Treatment Plant (\$75,657.57); White Cloud Engineering, for the Hwy 136 waterline project (\$86,589.06) and McGinness Electric, for HVAC for new family cabins at Mozingo Lake.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to approve the Treasurer’s Report as presented. 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.

**PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Jonagan, seconded by Councilman Moss, to approve the payment of bills, as presented. 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.

**FINDINGS OF ELECTION OF CITY COUNCIL MEMBERS, APPOINTMENT OF RACHAEL MARTIN AND TIMOTHY A. SHIPLEY**

The City Clerk presented a bill, Bill No. 2014’27 for an ordinance entitled:

**AN ORDINANCE FINDING AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF MARYVILLE, MISSOURI, ON APRIL 8, 2014, FINDING AND DECLARING THAT RACHAEL MARTIN AND TIMOTHY A. SHIPLEY WERE DULY ELECTED AS MEMBERS OF THE CITY COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, FOR A THREE YEAR TERM**

An election was held on April 8, 2014, throughout the City of Maryville to elect two (2) members to the City Council. The positions up for election were at that time held by James R. Fall and Ronnie Moss. Rachael Martin, Adam Switzer and Timothy Shipley filed for candidacy for the Maryville City Council. Rachael Martin and Timothy Shipley were elected to serve a three (3) year term.

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 Councilwoman Riedel, to approve Council Bill 2014'27, approving a three (3) year term for Rachael Martin and Timothy Shipley, as a member of the Maryville City Council. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea. Councilman Mayor Fall, yea; Motion carried.

Said bill was then numbered Ordinance No. 7607 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **OATH OF OFFICE**

The City Clerk administered the Oath of Office to Rachael Martin and Timothy Shipley. Council Members Martin and Shipley took their positions as Members of the City Council.

Following the oath of office, Members Fall and Moss stepped down and were presented a departure gift and were thanked for their dedicated service to the City of Maryville, as members of the City Council.

#### **APPOINTMENT OF MAYOR**

Mayor Pro-Tem Riedel took over leading the meeting, declaring the floor to be open for nominations for Mayor for the coming year.

A nomination was made by Councilman Funston, that Councilwoman Riedel be appointed as Mayor of the City of Maryville.

With no further nominations, Mayor Pro-Tem Riedel announced the nominations for Mayor had ceased. Nomination was seconded by Councilman Shipley, to appoint Councilwoman Riedel as Mayor for the coming year. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Mayor Pro-Tem Riedel. Motion carried unanimously. Council Member Renee Riedel shall serve as the Mayor of the City of Maryville for the coming year.

#### **APPOINTMENT OF MAYOR PRO-TEM**

Mayor Riedel declared the floor open for nominations for Mayor Pro-Tem. Councilman Jonagan nominated Councilman Shipley as Mayor Pro-Tem for the coming year.

With no further nominations, Mayor Riedel announced the nominations for Mayor Pro-Tem had ceased. Nomination was seconded by Councilman Martin, to appoint Councilman Shipley as Mayor Pro-Tem for the coming year. Upon roll being called, the vote was as follows: Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea. Motion carried.

Mayor Riedel and Mayor Pro-Tem Shipley accepted their positions, with Mayor Riedel leading the remainder of the meeting.

**REQUEST FOR REZONING OF PROPERTY LOCATED AT 541 WEST 2<sup>ND</sup> STREET, BY DANIEL CARLSON**

The City Clerk presented a bill, Bill No. 2014'28 for an ordinance entitled:

**AN ORDINANCE TO AMEND SECTION 405.040 (THE OFFICIAL ZONING MAP), ORDINANCE NO. 4984 (THE ZONING ORDINANCE), UPON THE APPLICATION OF DANIEL CARLSON, REZONING PROPERTY LOCATED AT 541 WEST 2<sup>ND</sup> STREET, FROM UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT TO CAMPUS TOWN OVERLAY DISTRICT**

Daniel Carlson had requested to rezone the property located at 541 West Second Street from the University Neighborhood Overlay District to the Campus Town Overlay. The overlay districts are special zoning districts, placed over existing base zones and have special provisions in addition to those in the underlying base zone. Mr. Carlson requested the property be rezoned in order to increase the density of the occupancy at the structure. The University Neighborhood Overlay currently allows two (2) unrelated persons to occupy the structure and a change to the Campus Town Overlay would allow four (4) unrelated persons to occupy the structure. No physical changes would be made to the structure or the lot.

Mr. Carlson's property was noted to be R-2 Residential Single Family dwellings in the University Neighborhood overlay. Adjacent properties to the north were noted as Multi-Occupant Rentals, encompassed by the Campus Town Overlay. To the south, east and west there were mostly Single Family Dwellings with a mix of rentals, currently zoned R-2, within the University Neighborhood Overlay.

The subject site is designated as Low Density Residential (LDR) within the Maryville Comprehensive Plan. Low Density Residential uses are characterized as emphasizing single family detached development although innovative single family forms may be permitted with special review. The two overlay districts which were formed in the summer of 2012 due to concerns raised by community members and a recommendation from RDG Planning and Design, creators of the Maryville Comprehensive Plan. The University Neighborhood Overlay District was intended to preserve the predominantly single family neighborhoods. As such, a family unit was defined as two unrelated persons. The Campus Town Overlay District was created to encourage the location of high density rentals adjacent to Northwest Missouri State University and away from the Single Family Residential neighborhoods. In this overlay district a family unit was designed as four unrelated persons.

Policies in the Maryville Comprehensive Plan were noted as applicable to the property in question.

The Planning & Zoning Commission met on March 19, 2014 to discuss the rezoning request. Community members were present at the meeting both in favor and against the proposed rezoning. The Commission voted 4-1 to make a recommendation to not approve the rezoning. The creation of the University Neighborhood Overlay District was to protect and preserve the predominantly Single Family Neighborhood. The boundary line between the Campus Town Overlay District and the University Neighborhood Overlay District appears to be drawn in the most logical place until further research is completed regarding extending the district. As such, staff recommended denying the request.

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.

For discussion purposes, a motion was made by Councilwoman Martin, seconded by Councilman Jonagan, to approve Council Bill No 2014'28 the rezoning of 541 West 2<sup>nd</sup> Street from the University Neighborhood Overlay District to the

Campus Town Overlay. Upon roll being called the vote was as follows: Councilman Jonagan, nay; Councilman Shipley, nay, Councilman Funston, nay; Councilwoman Martin, nay; Mayor Riedel, nay. Motion failed.

**ZONING CONFIRMATION FOR PROPERTIES LOCATED BETWEEN SOUTH COUNTRY CLUB ROAD AND GOLDEN ACRES SUBDIVISION**

The City Clerk presented a bill, Bill No. 2014'29 for an ordinance entitled:

**AN ORDINANCE TO AMEND SECTION 405.040 (THE OFFICIAL ZONING MAP), ORDINANCE NO. 4984 (THE ZONING ORDINANCE), FOR PROPERTIES LOCATED BETWEEN SOUTH COUNTRY CLUB ROAD AND GOLDEN ACRES SUBDIVISION TO CONFIRM ZONING OF SAID PROPERTIES AS R-1 (SINGLE-FAMILY RESIDENCE ZONE)**

On September 9, 2013, a 29 acre property owned Sarah J. Arnold, as Trustee of the Sarah J. Arnold Trust was annexed into the City of Maryville. Section 405.060.2 of Maryville's Municipal Ordinance states, "If at the time of the annexation the newly annexed land is subject to a valid zoning ordinance duly imposed by a properly authorized governmental subdivision of the State, upon annexation said land shall remain subject to the zoning designation in effect prior to annexation until such time as the City of Maryville shall adopt zoning regulations for the annexed territory in accordance with the procedures prescribed by this Chapter and the laws of the State of Missouri." Prior to annexation, the property held the designation of R-1, Single-Family Residence Zone in Polk Township.

On October 28, 2013, the City Council approved a lot split for the annexed property to facilitate the land transaction of 6.27 acres to Maryville Missouri Assisted Living Property Investment, LLC. While both properties are currently vacant, construction of a fifty (50) bed assisted living facility is underway on the southern property. In conjunction with this project, the Arnold's have expressed the desire to build additional single family homes on the northern large tract of land.

The subject site was noted as a vacant piece of land, currently zoned as and R-1 Single Family Residence. There are mixed land uses adjacent to the subject sites. Directly to the north is low density housing, single-family residential buildings. To the south is agricultural land, to the east are single-family homes and to the west is agricultural. The land to the south and the west is outside of the city limits of Maryville and are zoned as agricultural by Polk Township.

Staff recommended approval of the proposed ordinance to amend Section 405.040 (the Official Zoning Map), Ordinance No. 4984 (the Zoning Ordinance) for properties located between South Country Club Road and Golden Acres Subdivision to confirm zoning of said properties as R-1 (Single-Family Residence Zone). The R-1, Single-Family Residence Zoning fits within the guidelines of the Maryville Comprehensive Plan and also is consistent with development plans of the owners. R-1, Single-Family Residence Zone is also compatible for the assisted living facility development as similar facilities are located in these zones. Staff concurred with the Planning & Zoning Commission finding on March 19, 2014 and recommends approval of the ordinance.

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 2014'29 to confirm the zoning of the property located between South Country Club Road and the Golden Acres Subdivision. Upon roll

being called the vote was as follows: Councilman Shipley, yea, Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7608 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**A RESOLUTION TO ISSUE A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 817 SOUTH COUNTRY CLUB ROAD, ASSISTED LIVING PROERTY INVESTMENT, LLC**

The City Clerk presented Bill No. 2014'30 for an resolution entitled:

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT TO THE MARYVILLE MISSOURI ASSISTED LIVING PROPERTY INVESTMENT, LLC, TO INCLUDE ALL ACCESSORY USES FOR THIS TYPE OF FACILITY, INCLUDING EXTERIOR LIGHTING AND SIGNAGE, AT 817 SOUTH COUNTRY CLUB ROAD, MARYVILLE, MISSOURI**

Maryville Missouri Assisted Living Property Investment, LLC is constructing a fifty (50) bed assisted living facility at 817 South Country Club Road. On September 9, 2013, the City Council approved an annexation petition from Sarah J. Arnold, as Trustee of the Sarah J. Arnold Trust for a 29 acre property along South Country Club (Icon) Road. On October 28, 2013, the City Council approved a lot split for the newly annexed property to facilitate a 6.27 acre sale to Maryville Missouri Assisted Living Property Investment, LLC for the project. The subject site was zoned R-1, Single-Family Residence in Polk Township and a recommendation to confirm said zoning was provided on the pervious agenda item.

There are mixed land uses adjacent to the subject site. Directly to the north is a low density housing, single-family residential buildings. To the south is agricultural land, to the east are single-family homes and to the west is agricultural. The land to the south and the west is outside of the city limits of Maryville and are zoned agricultural by Polk Township.

The Planning & Zoning Commission met on March 19, 2014 to discuss requested design elements for this type of facility that typically are not found in residential areas. After discussion, the commission recommends approval for the assisted living facility request to include all accessory uses for this facility which include exterior lighting and signage. A site plan that showed the locations of parking lot lights and a similar monument sign sketch were provided. The Planning and Zoning Commission recommended the facility install a 4' sidewalk along South Country Club Drive to connect to a future system.

It was recommended that the City Council adopt the propose resolution authorizing the issuance of a Special Use Permit to Maryville Missouri Assisted Living Property Investment, LLC to include all accessory uses as presented for this type of facility, including exterior lighting and signage at 817 South Country Club Road. This type of development is acceptable in a R-1, Single-Family Residence Zone and compatible with the surrounding areas. Staff recommends approval of the Special Use Permit as exterior lighting and appropriate signage is critical to the operations of the assisted living facility.

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 Funston, to approve Council Bill No 2014'30 to approve the Special Use Permit for Maryville Missouri Assisted Living Property Investment, LLC. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilman Funston, yea; Councilman Jonagan, yea, Mayor Riedel, yea. Motion carried.

Said bill was then identified as Resolution No. 607 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**PLANNED UNIT DEVELOPMENT REQUEST LOCATED AT 507 AND 509 WEST 8<sup>TH</sup> STREET, 804 AND 806 NORTH WALNUT STREET AND 814 AND 816 NORTH WALNUT STREET, CURT TOBIN**

The City Clerk presented a bill, Bill No. 2014'31 for an ordinance entitled:

**AN ORDINANCE TO APPROVE PLANS FOR A PLANNED UNIT DEVELOPMENT FOR CURT TOBIN LOCATED AT 507 AND 509 WEST 8<sup>TH</sup> STREET, 804 AND 806 NORTH WALNUT STREET AND 814 AND 816 NORTH WALNUT STREET, MARYVILLE, MISSOURI**

Curt Tobin has proposed to construct three (3) separate duplex buildings on three (3) separate lots located at 8<sup>th</sup> and Walnut Street. Two of the duplexes will be facing Walnut Street and will have addresses of 804 and 806 North Walnut Street, and 814 and 816 North Walnut Street. The third duplex will face 8<sup>th</sup> Street and will have an address of 507 and 509 West 8<sup>th</sup> Street. The lots are located in an R-4 Multi-Family Zone and are part of the Campus Town Overlay District.

In 2013, the Tobin's submitted an application for inclusion into the Campus Town Redevelopment Incentive Program (CTRIP). The property contained three (3) unsafe and dangerous structures that were removed upon approval of the application. Recently, the Tobin's split the lots into three more equally sized lots to allow for redevelopment. Duplex construction is allowed in R-4 Zones and therefore allowed in the Campus Town Overlay District. However, site regulators from the Campus Town Overlay District cannot be met with this development and thus the planned unit development was proposed.

The required 25 foot front yard setback has been adjusted by calculating the larger of the average of the setback of adjacent structures to the property or the average of all the properties on the block face.

The duplexes at 804 and 806 and 814 and 816 North Walnut Street do not meet all of the regulators for the Campus Town Overlay District. The required minimum lot width for duplex development is 66 feet, while the newly formed lots have a width of 61.11 feet. The normal front yard setback for this lot would be 25 feet. This had been adjusted to 19 ft. 6 in. due to the average setback of the neighborhood. The owner would propose that the structure be set 19 ft. from the front property line. The side yard of 7 ft. is required, however, the owner would propose a 6 ft. side yard setback. Staff believes that the 7 ft. requirement is inappropriate for the Campus Town Overlay District and code should eventually be revised to 6 ft. to match existing ordinances.

The duplex at 507 and 509 West 8<sup>th</sup> Street has the same issue of only a 61.11 foot wide lot, while a 66 ft. lot is required. The proposed front yard for this duplex is 24 ft., while the requirement is 25 ft. This duplex would also be in conflict with Section 405.325.5.A.3. In any residential district no single family detached, attached, or duplex shall have more than 25% of the front yard used for driveway and off street parking purposes. The site plan shows that approximately 7 of the required 10 parking spaces will be located in the front yard and would violate the 25% rule. The 1,676 sq. ft. of parking will be 47% of the front yard area.

The property to the north, south, and west of the subject sites are predominantly multi-family rentals. To the east, is a mix of owner occupied and rental structures.

The Planning and Zoning Commission met on March 19, 2014 and recommended approval.

Staff recommended approval of the proposed ordinance to create the Planned Unit Development for the construction of three (3) duplex structures as presented.

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 Shipley, seconded by Councilman Jonagan, to approve Council Bill No 2014'31 to approve the Planned Unit Development for location of 507 and 509 West 8<sup>th</sup> Street, 804 and 806 North Walnut Street; and 814 and 816 North Walnut Street. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7609 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**STATE BLOCK GRANT AGREEMENT WITH MO HWY AND TRANSPORTATION COMMISSION FOR PROJECT NO 13-002A-1 AT NORTHWEST MISSOURI REGIONAL AIRPORT**

The City Clerk presented a bill, Bill No. 2014'32 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A STATE BLOCK GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR PROJECT NO. 13-002A-1 OF THE AIRPORT IMPROVEMENT PROGRAM AT NORTHWEST MISSOURI REGIONAL AIRPORT, MARYVILLE, MISSOURI**

On November 12, 2013, the City Council approved an Aviation Project Consultant Agreement with JVIation, Inc., for professional engineering services at Northwest Missouri Regional Airport on a project to rehabilitate deteriorated pavement and perform electrical upgrades. The project would rehabilitate the northernmost connecting taxiway on the apron, replace panels in areas of significant distress at the north end taxiway turnaround, and provide new taxiway edge lights, wind cone, and runway edge lights. Existing lights are currently inoperable and/or not consistent with the required height for edge lighting. The project was reviewed by the Airport Board on April 2, 2013 and a recommendation was made to proceed with the project and City Council consideration.

The Aviation Project Consultant Agreement provided for required professional services on the project in an amount not to exceed forty-nine thousand five hundred ninety-dix dollars and twenty-five cents (\$49,596.25). The services are eligible for Non-Primary FAA Entitlement Funding at a rate of 95% federal and 5% local match. The State Block Grant Agreement allocates this funding for professional services on the project.

The State Block Grant Agreement provides a total of forty-seven thousand one hundred sixteen dollars (\$47,116) in Non-Primary FAA Entitlement Funding for professional services on the project leaving a local match of \$2,480. A total of three hundred fifty thousand dollars (\$350,000) is included in the FY 2014 budget the project at a 90% federal and 10% local match for engineering and construction.

Approved the proposed ordinance to execute a State Block Grant Agreement with the Missouri Highways and Transportation Commission for Project 13-002A-1 of the Airport Improvement Program at Northwest Missouri Regional Airport. The State Block Grant Agreement ensures professional services on the project will be 95% funded by Non-Primary FAA Entitlement Funds. Once engineering is completed and construction bids are received on the project, a separate State Block Grant Agreement will be drafted for construction costs.



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 Shipley, seconded by Councilman Jonagan, to approve Council Bill No 2014'32 to execute a State Block Grant agreement with the Missouri Highways and Transportation Commission, for Project No. 13-002a-1. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Shipley, yea; Councilman Jonagan, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7610 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. 2014-22.

**ROAD RELINQUISHMENT AGREEMENT WITH MO HIGHWAYS AND TRANSPORTATION COMMISSION FOR A PORTION OF STATE HIGHWAY ROUTE 46.**

The City Clerk presented a bill, Bill No. 2014'33 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A ROAD RELINQUISHMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, FOR A PORTION OF THE STATE HIGHWAY SYSTEM, ROUTE 46 CORRIDOR, MARYVILLE, MISSOURI**

On September 9, 2013, the City Council approved a Maintenance Agreement with the Missouri Department of Transportation (MoDOT) to exchange maintenance responsibilities for Third Street and First Street. Prior to the agreement, the eastern portion of State Highway 46 through Maryville began at Main & First Street, traveled north to Third Street, east on Third Street to Depot, and then south on Depot to First Street. MoDOT maintained this section of State Highway 46 and the City maintained Frist Street from Main east to Depot. After several months of negotiations, an agreement to eliminate the jog and designate State Highway 46 to continue through Maryville from east to west along First Street was reached. Per the agreement, responsibilities of maintenance were transferred with the exception of parking areas outside the designated 24' traffic lanes on First Street.

Negotiations for the maintenance transfer also resulted in MoDOT agreeing to asphalt mill and overlay First Street between Main and Depot in 2014. While MoDOT is only financially obligated to overlay the traffic lanes, MoDOT allowed the City to utilize STP-Small Urban funds for the City's portion which provides for 80/20 financing of projects along roadways in MoDOT's classification system. On December 23, 2013 the City Council approved a Cost Apportionment Agreement with MoDOT outlining the financial responsibilities for the improvement. According to the agreement, and with the utilization of STP-Small Urban funds, the City of Maryville will be responsible for a maximum of \$7,774.90 on the project. MoDOT has now awarded the project and will commence with overlay this summer.

In order to complete the complete transfer of the roadway, several steps remain including the execution of a Road Relinquishment Agreement. The agreement will allow the Missouri Highways and Transportation Commission to prepare and convey by quitclaim deed the agreed upon portion of the state highway system to the City. According to the agreement, the City agrees to accept the deed and record it at the Nodaway County Recorder of Deeds Office. The quitclaim deed will relinquish MoDOT's ownership in Main Street from First to Third, Third Street from Main to Depot, and Depot Street from Third to First Street. The legal descriptions in the agreement correspond to the Maintenance Agreement executed in September.

Staff recommended approval of the proposed ordinance to execute a Missouri Highways and Transportation Commission Road Relinquishment Agreement for a portion of the state highway system, Route 46 corridor. The agreement as presented provides that the City will accept the quitclaim deed for the designated sections once completed by MoDOT. Once received, the City will be required to accept the deed by separate ordinance and designate the roadway as public right-of-way as a formality. Staff still believes that the transfer of maintenance, overlay, and elimination of jog in highway designation is beneficial for the City of Maryville and its residents.

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 Shipley, seconded by Councilman Funston, to approve Council Bill No 2014'33 to execute a Missouri Highways and Transportation Commission Road Relinquishment Agreement for a portion of the State Highway system, Route 46 corridor. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7611 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. 2014-23.

**FIRST AMENDMENT TO CONTRACT NO 2012-28 WITH PEOPLESERVICE, INC., FOR MANAGEMENT, OPERATION, AND MAINTENANCE OF WATER AND WASTEWATER TREATMENT SYSTEMS**

The City Clerk presented a bill, Bill No. 2014'34 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE THE FIRST AMENDMENT TO THE OPERATION & MAINTENANCE AGREEMENT BETWEEN THE CITY OF MARYVILLE, MISSOURI AND PEOPLESERVICE, INC., FOR THE MANAGEMENT, OPERATION, AND MAINTENANCE OF THE WATER AND WASTEWATER TREATMENT SYSTEMS, MARYVILLE, MISSOURI**

PeopleService, Inc. is a contract operations company that operates, maintains, and manages water and wastewater systems for municipalities, communities, and industries. The company provides services that are tailored to all aspects of utility management and operations, from water production and distribution to wastewater disposal. PeopleService, Inc. has six regional offices providing services to over 100 clients in the states of Missouri, Iowa, Nebraska, Illinois, and Minnesota.

In May 2006, the City entered into an agreement with PeopleService, Inc. to run the daily operations of the water and sewer treatment plants. PeopleService, Inc., provides all routine operation and maintenance of the City's facilities on a 24/7 basis. The company has proven to be affordable and dependable while still maintaining City "control" over the facilities. Their trained staff has worked closely with our Public Works Director and Water/Sewer Maintenance Division to provide safe and efficient utility services to the citizens of the community. In addition to day-to-day operations, PeopleService, Inc. also provides expertise and assistance with regulatory agencies ensuring proper compliance.

In June 2012, the City of Maryville and PeopleService, Inc. renewed the contract for services for an additional five (5) year term. The five year (5) year fee structure is fixed subject to Consumer Price Index (CPI) adjustments and ensures the City can budget costs appropriately. The contract also includes operation and maintenance of the new Maryville Wastewater Treatment Plant currently in construction.

Section 4.1 of the agreement outlines the current monthly compensation for service at \$65,356. This amount includes a “base amount” of \$250,917 for chemicals anticipated at the facility for the current fiscal year. According to Section 4.4, if the amount of actual chemicals is less than the “base amount”, PeopleService, Inc. will include a refund equal to the portion of the base amount that remains. In FY 2014, PeopleService, Inc. has diligently worked to manage our chemical costs and is recommending an amendment to the contract to decrease the monthly compensation by \$20,000 for the remainder of the fiscal year.

The First Amendment to the O&M Agreement amends Section 4.1 to decrease the monthly compensation from \$65,356 to \$45,456 for the period of May 1, 2014 through September 30, 2014. The amendment also adjusts the “base amount” of Section 4.4 from \$250,917 to \$150,917. The approval of the First Amendment to the O&M Agreement will result in a savings of \$100,000 in the FY 2014 Budget.

Staff recommended approving the proposed ordinance to execute the First Amendment to the Operation & Maintenance Agreement with PeopleService, Inc. for the management, operation, and maintenance of the City’s water and wastewater treatment systems. Staff recommends the approval which will result in a savings of \$100,000 for the remainder of the FY 2014 Budget. The savings is a result of the continuous high quality oversight and service PeopleService, Inc. has provided the City of Maryville for several years. City staff continues to work with PeopleService, Inc. to analyze improvements to the system to result in further annual savings.

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 Shipley, seconded by Councilman Funston, to approve Council Bill No 2014’34 to execute the First Amendment to the Operation & Maintenance Agreement with PeopleService, Inc. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7612 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. 2012-28.

#### **CONTRACT WITH ST. JOSEPH TRACTOR, INC., TO PURCHASE A BAD BOY CTZELITE MOWER**

The City Clerk presented Bill No. 2014’35 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH ST. JOSEPH TRACTOR, INC., FOR THE PURPOSE OF PURCHASING A BAD BOY CTZELITE MOWER, MARYVILLE, MISSOURI**

The FY 2014 Budget includes \$8,000 to purchase a new mower for the Street Maintenance Division of Public Works. The mower purchase was budgeted to assist in maintenance of right-of-ways, city-owned lots, and nuisance lots. The proposed purchase is scheduled to replace a 2006 mower with 813 hours of use with significant maintenance concerns over the past two (2) years. Generally, the Street Maintenance Division can utilize a mower for about 1,000 to 1,200 hours and the mower will be in that range at the end of this year. With this purchase, the current mowers usage will be decreased likely extending its useful life.

A Request for Proposals (RFP) was released with certain equipment specifications identified by staff. Bids were received from Derr Equipment, Sleep Tile Yard, Inc., Professional Turf Products, St. Joseph Tractor, Northwest Implement, Medsker Sales and Services, Horizon Outdoor, Earley Tractor, and Maryville Outdoor:

After reviewing the three (3) lowest bids, it was determined that the two (2) bids Maryville Outdoor and Horizon Outdoor, did not meet specifications and the bid from Northwest Implement of Maryville does not fall within the 2% allotted of the Local Purchasing Preference Policy.

The third lowest bid from St. Joseph Tractor Inc., submitted a bid for a Bad Boy CTZELite at six thousand ninety-nine dollars (\$6,099). The 810 ccs horsepower in the bid, equates to approximately 27-28 horsepower. The machine meets all specifications and is within the amount budgeted for the purchase.

Staff recommended approving the proposed ordinance to execute a contract with St. Joseph Tractor Inc., in an amount not-to-exceed six thousand ninety-nine dollars (\$6,099), for a Bad Boy CTZELite mower for the Street Maintenance Division of the Public Works Department.

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.

Said bill was then identified as Ordinance No. 7613 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. 2014-24.

#### **CONTRACT WITH MID AMERICA PUMP FOR THE REPAIR OF THE PUMP AT THE EAST LIFT STATION**

The City Clerk presented Bill No. 2014'36 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI,  
TO EXECUTE A CONTRACT WITH MID AMERICA PUMP, FOR THE REPAIR OF THE PUMP  
AT THE EAST LIFT STATION, MARYVILLE, MISSOURI**

The 60 HP pump at the East Lift Station is a critical piece of the sanitary sewer infrastructure that ensures delivery of the wastewater to the current lagoon system. The station normally operates with three (3) pumps, two (2) in normal operation and one (1) to be utilized as an overflow pump in high flows. Currently, the East Lift Station is operating with just one (1) pump in the normal mode as the second pump has been taken out due to mechanical issues. Operating with just one (1) pump can lead to overflow during peak flow rates. In order to return the lift station to normal operation, staff recommends repairing the out of service pump to ensure the capability of handling all flow rates. Staff solicited quotes on the repairs and received quotes from Mid America Pump at seventeen thousand four hundred twenty-four dollars and twenty-nine cents (\$17,424.29) and Allied Systems, Inc., at nineteen thousand seven hundred forty-six dollars and sixty-five cents (\$19,746.65).

The FY 2014 Budget contains \$50,000 in the Water/Sewer Fund for sanitary sewer maintenance items. The East Lift Station pump repair was included in this line item during budget preparation.

Staff recommended approval of the proposed ordinance to execute a contract with Mid America Pump to repair the pump at the East Lift Station in an amount not to exceed seventeen thousand four hundred twenty-four dollars and twenty-nine cents (\$17,424.29).

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 Shipley, seconded by Councilman Funston, to approve Council Bill No 2014'32 to execute a contract with Mid America Pump to repair the pump at the East Lift Station. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7614 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. 2014-25.

**AN AGREEMENT WITH ROBERT WALDIER FOR THE HARVESTING OF HAY AT MOZINGO LAKE RECREATION PARK**

The City Clerk presented Bill No. 2014'37 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A HAY LEASE AGREEMENT WITH ROBERT WALDIER, FOR THE HARVESTING OF HAY AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI**

Approximately 132 acres of land within Mozingo Lake Recreation Park are available for harvesting hay. These areas have been broken down in parcels and labeled A – L for easy identification. Historically, these parcels of land have been harvested by local farmers who use the product as livestock feed; however no formal agreements have existed between the City and the private entities that are operating on city-owned property. Over the past couple of years, Mozingo staff has had an increase in requests from outside parties that were interested in harvesting these acres as well. The City became concerned with liability issues related to private companies operating agricultural businesses on City property with no formal agreements, proof of insurance, or hold harmless agreements. In an effort to introduce a neutral selection process for harvesting rights and to ensure that all City assets are protected, Mozingo staff presented the subject of Hay Leases to the Mozingo Advisory Board.

At the March 17, 2014 Mozingo Advisory Board meeting, the Board recommended staff release a Request for Proposals (RFP) for rights to harvest hay within the boundaries of Mozingo Lake Recreation Park. On March 18, 2014, staff released the RFP. The RFP establishes guidelines for operations within the park boundaries, the length of contract as three(3) years, and required proof of insurance as well as the chosen operators to sign Hold Harmless agreements with the City.

Bids were opened on April 1, 2014 and a total of five (5) bids were received for the identified parcels. Robert Waldier bid on Parcels G (1,500), H (\$1,200), I (\$190), J (\$120), K (\$460) and L (\$680). Other bids received for Parcels G, H, I, and J were submitted by Chris Wilmes. Waldier's outbid Wilmes on each parcel.

Staff recommended entering into a contract with Robert Waldier for harvesting hay on Parcels G, H, I, J, K and L, providing the City additional revenue of four thousand one hundred and fifty dollars (\$4,150).

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 Martin, seconded by Councilman Shipley, to approve Council Bill No 2014'37, to execute a contract with Robert Waldier for harvesting hay on Parcels G, H, I, J, K and L at Mozingo Lake Recreation Park. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7615 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. 2014-26.

**AN AGREEMENT WITH GALLAGHER FARMS FOR THE HARVESTING OF HAY AT MOZONGO LAKE RECREATION PARK**

The City Clerk presented Bill No. 2014'38 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A HAY LEASE AGREEMENT WITH GALLAGHER FARMS, FOR THE HARVESTING OF HAY AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI**

Background information of this item is included in Council Bill No. 2014' 37 (Hay Harvesting Contract with Robert Waldier).

Bids were opened on April 1, 2014 and a total of five (5) bids were received for the identified parcels. Doug Gallagher, Gallagher Farms bid on Parcels D (\$104.10), and E (\$171.90). There were no other bids received for Parcels D and E.

Staff recommended entering into a contract with Gallagher Farms for harvesting hay on Parcels D and E, providing the City additional revenue of two hundred seventy-six dollars (\$276).

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 Shipley, seconded by Councilwoman Martin, to approve Council Bill No 2014'38 to execute a contract with Gallagher Farms for harvesting hay on Parcels D and E at Mozingo Lake Recreation Park. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7616 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. 2014- 27.

**AN AGREEMENT WITH GARY STIENS FOR THE HARVESTING OF HAY AT MOZONGO LAKE RECREATION PARK**

The City Clerk presented Bill No. 2014'39 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A HAY LEASE AGREEMENT WITH GARY STIENS, FOR**

**THE HARVESTING OF HAY AT MOZINGO LAKE RECREATION PARK, MARYVILLE,  
MISSOURI**

Background information of this item is included in Council Bill No. 2014' 37 (Hay Harvesting Contract with Robert Waldier).

Bids were opened on April 1, 2014 and a total of five (5) bids were received for the identified parcels. Gary Stiens bid on Parcels B (\$213.90), C (\$204.20) and F (\$344.80). There were no other bids received for Parcels D and E.

Staff recommended entering into a contract with Gary Stiens for harvesting hay on Parcels B, C, and F, providing the City additional revenue of seven hundred sixty-two dollars and ninety cents (\$762.90).

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 Martin, seconded by Councilman Funston, to approve Council Bill No 2014'39 to execute a contract with Gary Stiens, for Parcels B, C and F. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7617 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. 2014-28.

**AN AGREEMENT WITH JOHN REDDEN FOR THE HARVESTING OF HAY AT MOZONGO LAKE RECREATION PARK**

The City Clerk presented Bill No. 2014'40 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE,  
MISSOURI, TO EXECUTE A HAY LEASE AGREEMENT WITH JOHN REDDEN, FOR  
THE HARVESTING OF HAY AT MOZINGO LAKE RECREATION PARK, MARYVILLE,  
MISSOURI**

Background information of this item is included in Council Bill No. 2014' 37 (Hay Harvesting Contract with Robert Waldier).

Bids were opened on April 1, 2014 and a total of five (5) bids were received for the identified parcels. John Redden bid on Parcel A (\$787.50) and additional services (\$37.50 per acre). Accepting the additional services bid from John Redden will also ensure revenue in the amount of \$37.50 per acre if staff desires to open other areas to haying during the contract period.

Staff recommended entering into a contract with John Redden for harvesting hay on Parcels A and additional services, providing the City additional revenue of seven hundred eighty-seven dollars and fifty cents (\$787.50).

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

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

Motion was made by Councilman Funston, seconded by Councilman Shipley, to approve Council Bill No 2014'40 to execute a contract with John Redden bid on Parcel A and additional services. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7618 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. 2014-29.

#### **APPOINTMENT OF MARYVILLE PUBLIC ART ADVISORY COMMITTEE MEMBER, KATHY RICE**

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 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.

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. An ordinance was adopted by the City Council on January 27, 2014, outlining the purpose, duties and membership of the new board.

The Maryville Public Arts Advisory Committee is structured to consist of seven (7) members, five of which were approved at the January 27, 2014 meeting, leaving two (2) vacancies on the committee.

An application was submitted by Kathy Rice who has indicated her desire to serve as a member of the Maryville Public Arts Committee.

Motion was made by Councilman Jonagan, seconded by Councilman Shipley to appoint Kathy Rice to the Maryville Public Arts Advisory Committee. Upon role being called the vote was as follows: Councilman Jonagan, yea; Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

#### **REPORTS**

##### **I. Student Liaison**

- Congratulations were extended to the two (2) new Council Members and to the newly appointed Mayor.
- The Student Senate is in the process of selecting the new liaison for the upcoming school year.
- Through cooperative efforts between Northwest Facility Services and Big Brothers Big Sisters of Nodaway County, the Big Green Move Out event will be held in an effort to limit the amount of materials disposed of. Materials that can be repurposed will be picked up by Big Brothers Big Sisters and be recirculated

##### **II. City Manager**

- *Phase I, Munn Avenue Trail, STP-4300 (108)* – A right-of-way Clearance was provided by the Missouri Department of Transportation (MoDOT) for the Phase I, Munn Avenue Trail Project. MoDOT will now obligate the Transportation Enhancement (TE) funds toward the project to allow Snyder & Associates to proceed with construction bidding. The project constructs a six (6) foot wide concrete trail along Munn Avenue approximately 1,900 linear north feet from South Avenue to Victory Lane. The project is 74.2% funded by MoDOT Transportation Enhancement (TE)



funds which were awarded in **2008**. Originally this trail segment was planned for Walnut Street from South Avenue to Lincoln, however it was met with opposition from property owners and created a dangerous pedestrian crossing along South Avenue where sight distance is limited. The new alignment has been well received, improves sight distance at South Avenue, and connects directly to the trail segment on the Munn Avenue Project (South Ave to Highway V).

- *4th Street Improvement Project, Phase I* – Right-of-way Clearance has now been provided by the Missouri Department of Transportation (MoDOT) for the 4th Street Improvement, Phase I. MoDOT will now obligate the Transportation Enhancement (TE) funds towards the project to allow SK Deign Group, Inc. to proceed with construction bidding. The 4th Street Improvement Project, Phase I includes a ten (10) foot wide concrete shared pedestrian/bicycle path on the north side, decorative street lights, water line replacements, landscaping, and a safety modification of the Dunn intersection. Bid alternates on the project will include a complete asphalt mill & overlay, work along the south side in the commercial areas near downtown, and wayfinding and corridor branding elements.
- *Phase C, 7th & 9th Street Trail Project, STP-9900 (110)* – The Missouri Department of Transportation (MoDOT) has now issued a Concurrence in Award with the City’s recommendation to award a contract with Hoggatt Excavating, Inc. on the project. On March 24th the City Council approved a low bid in the amount of \$300,000 for construction. The contractor will proceed to execute all contracts and provide appropriate bonds to allow construction to begin. 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 Street along 7th Street.
- *Maryville Ranked Among Safest Places in Missouri* – Movato, an online real estate brokerage based in San Mateo, CA, has ranked Maryville as the 8th safest place to live in Missouri. The firm looked at places with at least 10,000 in population and then ranked them based on FBI crime statistics from 2012. According to the report “Maryville saw a total of just 228 crimes, of those 12 were considered violent and 216 were property crimes.” Maryville is also the highest ranked community on the list located outside the St. Louis metropolitan area. A full ranking can be found at <http://www.movoto.com/mo/safest-places-in-missouri/>.
- *D.A.RE Fundraiser* – DARE (Drug Abuse Resistance Education) Maryville held their annual dinner/auction fundraiser at St. Gregory’s on Saturday, April 5, 2014. There were a total of ninety-one (91) generous sponsors who contributed items toward the effort that was attended by about 275 people. Approximately \$9,500 was raised to help sustain the quality of the DARE program that Maryville students have enjoyed for many years. DARE Maryville held its 2014 graduation ceremony, Monday, April 14, 2014, at 7:00 p.m. at the Houston Performing Arts Center on the Northwest Missouri State University Campus.
- *Maryville Public Arts Committee (MPAC) Meeting* – The Maryville Public Arts Advisory Committee met March 24, 2014, to discuss several items regarding downtown art. At this meeting the group discussed branding ideas for the outdoor temporary art displays and selected “*Maryville’s Gallery of Outdoor Art*” or “GO Art” for short. The motion was passed by a unanimous vote and the group will continue further research on a possible logo or plaques for the outdoor art pedestals. Another meeting was held April 1, 2014; however a quorum was not present.
- *Big Green Move Out* – Northwest Facility Services and Big Brothers Big Sisters of Nodaway County has organized the “Big Green Move Out” to ensure the promotion of sustainability and recycling during the annual move out period for Northwest students. The group has partnered with St. Joseph Habitat for Humanity ReStore, The Ministry Center, and the City of Maryville to keep items out of area landfills. Clothing, media, and household items can be taken to Blue collection bins located in every residence hall or in the campus parking lot along 9th Street. Furniture can be left curbside, between Monday, April 28, 2014 and Friday, May 2, 2014, by noon each day to be picked up by St. Joseph

Habitat for Humanity. Finally, food collection boxes will be located in every residence hall for The Ministry Center. More details can be found at [www.maryville.org](http://www.maryville.org) on what items will be accepted in the bins and curbside.

- *On-site Municipal Management and Official Training* - Gary Markenson will be working with the City of Maryville to provide a municipal management and official training session on April 28, 2014 at 5:00 p.m. in the City Council Chambers. Mr. Markenson retired from the Missouri Municipal League in 2010 and has accumulated over 40 years of working with Missouri municipalities on broad range of issues. Topics covered will include powers and duties of the Governing Body, rules of order, ordinances vs. resolutions, open meeting and records law, conflicts of interest, and the Hancock Amendment. The training will provide a refresher course for management and newly appointed councilmembers.
- *Mozingo Lake Recreation Park Master Plan* – RDG Planning & Design, the consultant for the Mozingo Lake Recreation Park master plan, will be in Maryville on April 21 & 22, 2014. On Monday, April 21, 2014, a representative from RDG will be meeting with the Mozingo Advisory Board at the regularly scheduled Advisory Board meeting. On Tuesday, April 22, 2014, RDG and City staff will be meeting with stakeholder groups throughout the day. The purpose of these meetings on the 21 & 22, 2014, is to begin developing the vision for the master plan and background research. RDG will be back in Maryville from May 7 – May 9, 2014. During the three days, City staff will be touring Mozingo Lake Recreation Park with RDG staff and initial concept designs will be created. A public open house is tentatively scheduled for the afternoon of Friday, May 9, 2014. Details regarding the open house will be provided closer to the May 9, 2014 date.
- *Mozingo Lake Recreation Park, New Cabin Reservations* – As the Northwest Technical School is nearing completion on the construction of two (2) additional cabins at Mozingo Lake Recreation Park, staff began accepting reservations for July 1, 2014 and beyond on April 1, 2014. In less than ten (10) days (as of writing), Cabin #6 is 65% booked for July and 35% for August, and Cabin #7 has an occupancy rate of 88% for July and 60% for August. Weekends for both cabins are booked at a 99% rate for both months. Staff has also booked the first “*Stay & Play*” package under the new rate structure for a group from Minnesota for this past weekend.
- *Mozingo Lake Recreation Park Trail Extension Project* – The City of Maryville was awarded \$100,000 in Recreational Trails Program (RTP) funds from the Missouri Department of Natural Resources (MDNR) in late 2013 to construct a trail extension at Mozingo Lake Recreation Park. The project extends an 8-foot wide concrete trail from the RV Park stretching southeast to end near the primitive camping area. The 1,752 linear foot extension provides a northern hard surface loop that park users have requested. The city’s grant match comes from the use of volunteer equipment and labor as well as in-kind labor from city staff. The Public Works Street Maintenance Division and Mozingo Lake Recreation Park Maintenance Division have been working cooperatively on this project for the last several weeks. The placement of drainage tubes and grading for the trail is complete and staff has released a Request for Proposals (RFP) for the concrete needed to complete the project. Approximately 200 cubic yards of concrete is necessary and bidders will be responsible for delivery to the project site. Proposals will be accepted until Tuesday, April 22, 2014 at 11:00 a.m.
- *Mozingo Lake Recreation Park DNR Recreational Trails Grant* – Staff has submitted another grant application for a Recreational Trails Program offered by the Department of Natural Resources (DNR). If awarded the grant, this trail segment would be developed in 2015. The proposed trail addition would be an 8-foot wide x 1,603-foot long concrete trail that will connect with existing paved trail. The trail would be located across from the beach entrance, travel east to the ADA fishing dock, then south through the wooded area on the point, and connect again with existing trail at the

Point. This would create a “south loop” that would complement the “north loop” to be constructed this spring and provide almost 3 miles of paved trails.

- *Rural Missouri Editor’s Choice – Mozingo Lake Golf Course* – Mozingo Lake Golf Course was recently chosen as the Editor’s Choice by Rural Missouri in the Best of Rural Missouri 2014 edition. The 13<sup>th</sup> Annual contest revealed reader’s favorites from Best Restaurant and Best Winery, to Best Golf Course. The edition can be found at [www.ruralmissouri.coop/digitalrm/story1.php](http://www.ruralmissouri.coop/digitalrm/story1.php). Rural Missouri is a statewide publication of the Association of Missouri Electric Cooperatives.

### **III. Council Members**

- Councilman Funston reviewed the mitigation plan to determine if the City is obligated to fulfilling obligations agreed upon during the development of Mozingo Lake. No long-term obligations were identified.
- A letter was received by a citizen who has requested the Council consider opening the burn ban up. Staff will draft an ordinance for consideration.

### **ADJOURNMENT**

Motion was made by Councilman Funston seconded by Councilman Shipley that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Councilman Jonagan, yea; Mayor Riedel, yea. Motion carried. Meeting was adjourned at 8:50 p.m.

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Renee Riedel, Mayor

ATTEST:

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Sheila Smail, City Clerk