

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

May 28, 2014  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, May 28, 2014, at City Hall, 415 North Market Street, in said City at 7:00 p.m. This meeting was postponed from May 26, 2014, because of the Memorial Day Holiday.

**ROLL CALL**

The meeting was called to order by Mayor Renee Riedel and roll was called by the City Clerk, with the following present to-wit: Mayor Renee Riedel, Council Members Rachael Martin, Glenn Jonagan, Timothy Shipley and Jeff Funston. Others present were City Manager Greg McDanel; Asst. City Manager Ryan Heiland; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Public Works C.E. Goodall, and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Riedel.

**INVOCATION**

Councilman Funston gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Riedel requested any changes needed to the agenda, be noted at this time.

Motion was made by Councilman Jonagan, seconded by Councilman Shipley, that the agenda be approved as presented. 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.

**CITIZENS TO BE HEARD**

Mayor Riedel welcomed citizens and stated this the time for persons to address the Council on items not on the agenda. Any persons wishing to speak were requested to stand and state their name and address for the record. No persons appeared to be heard.

**MARYVILLE ELK'S LODGE 760, REQUESTS ANNUAL FLAG DAY CEREMONY, SAT., JUNE 14, 2014**

The Maryville Elk's, Lodge 760, have for the past several years held a Flag Day Ceremony at Mozingo Lake Recreation Park, at the "Point". Mr. William Eckles, Exulted Ruler, of the Maryville Elk's Lodge was present to request to hold the celebration of the American Flag on Saturday, June 14, 2014, beginning at 10:30 a.m. Because of the nature of event being held, the Maryville Elks were not required to provide liability insurance for the event. The ceremony will be open to the community.

Motion was made by Councilman Jonagan, seconded by Councilman Shipley to approve the request by the Maryville Elks Lodge 760, to hold a Flag Day Ceremony on Saturday, June 14, 2014, as requested. 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.

**APPOINTMENT/REAPPOINTMENT OF MARYVILLE PUBLIC LIBRARY BOARD MEMBERS**

The Maryville Public Library Board of Trustees and Director Stephanie Patterson submitted recommendations to the City Council regarding the appointment and reappointment of members of the Maryville Public Library Board of Trustees. Three current Public Library Trustee's terms were set to expire July 1, 2014, including Trustees Marilyn Rhea, Amber Galbraith and Jeff Smith.

Trustee Rhea has served as a Trustee of the Public Library Board since 2002. According to Section 182.190 RSMo, no member of the board shall serve for more than 3 successive full terms and shall not be eligible for further appointment to the board until 2 years after the expiration of his third term. Therefore, Rhea is ineligible to serve another term on the Library Board for at least two (2) years.

Trustee Galbraith has expressed her desire to serve another term on the Maryville Public Library Board, while Trustee Smith has declined the opportunity to serve another term.

Trustee Bob Bush has submitted his resignation because he will be moving to Des Moines, Iowa, this summer.

With three (3) open positions of the Public Library Board of Trustees come July1, the search for candidates to fill these positions was necessary. Applications were received from Barbara Nelsen, Jody Strauch, Richard Fulton, and Dr. Ashley Davis, all of which have expressed interest in serving on the Board of Trustees.

Upon review the Maryville Public Library Director and Board of Trustees, the applications and have submitted their recommendation to the Council to re-appoint Amber Galbraith, to another term and to appoint Barbara Nelsen, Jody Strauch and Richard Fulton to a three (3) year term.

Motion was made by Councilman Funston, seconded by Councilman Jonagan to re-appoint Amber Galbraith to another term and to appoint Barbara Nelsen, Jody Strauch and Richard Fulton to a three (3) year term. 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.

**APPOINTMENT/REAPPOINT MARYVILLE PARKS AND RECREATION BOARD MEMBERS**

The Maryville Park and Recreation Board reported that there were six positions opening on the Park and Recreation Board, upon July 1, 2014, three of which are expiring positions, and three others members are planning to move from the city limits of Maryville.

Adam Stone, Matt Symonds, and Jeff Anderson’s positions will expire July 1. Of those members, Symonds and Anderson are willing to serve another term, but Stone declined the opportunity to serve another term.

Members Kim Walker, Joann Shipps and Tim Faris are planning to move outside the city limits and will no longer be eligible to serve on the Park and Recreation Board.

Notices were posted of the term expirations for these positions on the website and bulletin board, requesting anyone interested in being considered for these positions to make application with the Park and Recreation Department or the City Clerk.

Applications were received from Amy Skidmore, Sandy Jones, Bryan Dorrel, and DeAnn Davison, which are included in the packet.

Motion was made by Councilman Jonagan, seconded by Councilman Shipley to re-appoint Matt Symonds and Jeff Anderson, to another term and to appoint Amy Skidmore, Sandy Jones, Bryan Dorrel, and DeAnn Davison; one to serve a three year term and the others to complete the terms of members who have resigned. 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.

**CONTRACT WITH JD BISHOP CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE PHASE I, MUNN AVENUE PEDESTRIAN TRAIL, PROJECT STP-4300(108)**

The City Clerk presented a bill, Bill No. 2014’52 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH JD BISHOP CONSTRUCTION, LLC, FOR CONSTRUCTION OF THE PHASE I, MUNN AVENUE PEDESTRIAN TRAIL PROJECT, STP-4300 (108), MARYVILLE, MISSOURI**

In 2008, the City of Maryville was awarded Transportation Enhancement (TE) Funds from the Missouri Department of Transportation for Phase I, the Walnut Street Trail, STP-4300 (108). The Walnut Street Trail was designed to begin at South Avenue near Crestview and construct a concrete off-street trail north on Walnut to Lincoln. While in design, the routing was found to have insufficient right-of-way and significant line-of-sight/safety issues crossing South Avenue into Crestview. The majority of property owners along Walnut also were not supportive of the project making it difficult to acquire the necessary construction easements.

In 2012, the City successfully lobbied MoDOT for a route revision to shift the trail segment west to Munn Avenue. In doing so, the trail segment would align with the construction of the Munn Avenue Reconstruction Project (Highway V to South Avenue) that was in discussion. Since that time, the reconstruction of Munn Avenue is nearly complete and Phase I, Munn Avenue Pedestrian Trail Project, STP-4300 (108) has been redesigned. Phase I, consists of a six (6) foot wide off-street concrete trail along Munn Avenue from South Avenue to Victory Lane. The trail will be located on the west side of the road and align with the newly poured trail adjacent to Parkdale Manor.

Construction bids were opened on May 13, 2014. Bids received from JD Bishop Construction, LLC, (\$113,529.00); Auxier Construction Company, (\$156,344.25); Andrew Spire Construction, (\$156,930.00); Mega Industries Corporation (\$184,600.00); Orr Wyatt Streetscape (\$195,584.15)

The apparent low bidder on the project is JD Bishop Construction, LLC with a bid of \$113,529.00.

The FY 2014 budget includes a total of \$197,845.75 for the project of which \$148,840 (75%) is allocated TE grant funding. The local match on the project was scheduled at \$49,005.75 (25%) based on the initial engineers estimate. If accepted, the bid provided by JD Bishop Construction, LLC will reduce the grant split to \$85,146.75 in TE funds and a local match of \$28,382.25.

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

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

Motion was made by Councilwoman Martin, seconded by Councilman Funston, to approve Council Bill No 2014'52, to execute a contract with JD Bishop Construction, LLC in an amount not to exceed one hundred thirteen thousand five hundred twenty-nine dollars (\$113,529.00) for construction of the Phase I, Munn Avenue Pedestrian Trail Project, STP-4300 (108) contingent upon MoDOT concurrence of the bid. 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. 7630 and was duly passed, adopted and was thereupon signed by the Mayor Pro-Tem and attested by the City Clerk. The agreement was identified as Contract No 2014-38.

**CONTRACT WITH ORR WYATT STREETSCAPES FOR CONSTRUCTION OF 4<sup>TH</sup> STREET IMPROVEMENT PROJECT, PHASE I, STP 4303(101)**

The City Clerk Presented a Bill, Bill No. 2014'53 for an Ordinance Entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH ORR WYATT STREETSCAPES, FOR CONSTRUCTION OF THE 4<sup>TH</sup> STREET IMPROVEMENT PROJECT, PHASE I, STP-4303 (101), MARYVILLE, MISSOURI**

The City of Maryville has partnered with Northwest Missouri State University to engineer and design improvements to the Fourth Street corridor from Downtown to campus. The project physically and aesthetically enhances the six (6) block area mentioned as a priority in the Maryville Comprehensive Plan and Downtown Strategic Plan.

A contract to SK Design Group, Inc. was approved by the City Council on November 12, 2012. Since approval, SK has been working with City and university staff to come up with a design concept featuring the following elements: a ten (10) foot wide concrete walking and biking path along the north side, a new five (5) foot concrete sidewalk on the south side, replacing numerous deteriorated curb & gutter sections, providing new ADA compliant ramps and detectable warning strips at crosswalks, decorative historic black streetlight poles with acorn fixtures, sections of stamped colored concrete, new modular block retaining walls and handrails, proper utility adjustments, landscaping, extension of the State of Missouri Arboretum located on the university campus, asphalt mill & overlay of Fourth Street, construction of a "T" intersection at Dunn Street to improve vehicular and pedestrian safety, benches, trash receptacles, and public art.

Due to financial limitations of various funding sources received since, a phased approach to construction with bid alternate options was initiated to allow the project to move forward. The project was prepared and released for bid on April 18, 2014 and included the following:

Base Bid: Construction of a ten (10) foot wide shared bicycle/pedestrian trail along the north side of 4<sup>th</sup> Street from downtown to the university. Safety modification at Dunn & 4<sup>th</sup> Street to create a "T" intersection, waterline replacement from Buchanan to slightly west of Walnut Street including all water service lines, meter location adjustments, and fire hydrants, ADA compliant crosswalks and curb ramps along north side, significant landscaping including street trees, decorative light poles and brick pillars to match downtown, parking lot repair and new entrances to city-owned lots at 4<sup>th</sup> & Buchanan , driveway approaches, stamped concrete strip in commercial areas, storm sewer work, benches, trash receptacles, and public art pedestals.

Alternate No. 1: A two inch (2") asphalt mill and overlay of 4<sup>th</sup> Street from Main to Dunn

Alternate No. 2: Stamped and colored concrete "bump outs" along the west side of 4<sup>th</sup> & Buchanan intersection to support way-finding signage, brick column bases, NWMSU Gateway entry feature, NWMSU Bearcat paw print pavement markings, and NWMSU branded medallions for decorative light poles.

Alternate No. 3: Continuing all streetscape elements of *base bid* along through the commercial areas along the south side of 4<sup>th</sup> Street between Main Street and Fillmore Street.

Bids were opened on Tuesday, May 20, 2014 and were received as follows:

<b>Bid</b>	<b>Engineers Estimate</b>	<b>Orr Wyatt Streetscapes</b>	<b>Mega Industries</b>	<b>Irvinbilt</b>
<b>Base Bid</b>	\$1,349,007.66	\$1,536,234.45	\$1,686,810.05	\$1,681,163.30
<b>Bid Alt. 1</b>	\$116,441.60	\$119,734.20	\$56,678.00	\$125,582.00
<b>Bid Alt. 2</b>	\$164,774.61	\$315,205.80	\$240,178.75	\$262,863.00
<b>Bid Alt. 3</b>	\$196,713.94	\$212,895.16	\$202,756.15	\$252,426.00

<b>Total</b>	\$1,826,937.81	<b>\$2,184,069.61</b>	\$2,186,422.95	\$2,322,034.30
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Bids received on the project present significant budgetary challenges due to the amount and intricacies of the funding sources. Each bid and line item was reviewed by SK Design Group, Inc. and also by city staff for its impact on available funding. Due to restrictions of two (2) funding sources through the Missouri Department of Transportation (MoDOT), line items (such as waterline replacement) cannot be pulled out of the bid and completed in-house or by a third party without a complete redesign/rebid. The City of Maryville also cannot accept bid alternates by multiple contractors. Furthermore, MoDOT TE & STP Small Urban funds must be spent on certain elements of the project, while Neighborhood Assistance Program (NAP) tax credits must be spent on ancillary features, and university funding on other project elements. Each funding source also has a deadline for usage on the project. The financial considerations of accepting the apparent low bid and recommendations are made below.

The FY 2014 Budget contains a total of \$1,408,246.84 for the 4<sup>th</sup> Street Improvement Project, Phase I. This estimate was based on the following financing plan presented in a budget workshop and adopted with the budget:

<b>Phase I</b>	<b>Source</b>	<b>Funding (Applied)</b>
Estimate (9/30/13)	NAP (MDED)	\$301,946.40
	TE (MoDOT)	\$240,000.00
	STP (MoDOT)	\$200,000.00
	Water/Sewer Fund	\$300,000.00
	General Fund	\$366,300.44
	<b>Total</b>	<b>\$1,408,246.84</b>

Due to funding limitations and the apparent low base bid being above budgeted numbers, staff proceeded to discuss value engineering with SK Design Group, Inc. and potential change orders (compliant with MoDOT restrictions) in an attempt to reduce the cost of certain line items. Change order deductions on the project may include specifications on the type of waterline, concrete mix, use of concrete in lieu of asphalt areas, and electrical savings for decorative light poles. A new financing plan is suggested below to allow acceptance of bids and proceed with the 4<sup>th</sup> Street Improvement Project, Phase I.

<u>Orr Wyatt Streetscape</u>	<u>Source</u>	<u>Funding (Applied)</u>
<u>Base Bid</u>		
<u>\$1,536,234.45</u>	<u>Value Engineering</u>	<u>\$174,789.84</u>
	<u>NAP (MDED)</u>	<u>\$389,300.00</u>
	<u>TE (MoDOT)</u>	<u>\$240,000.00</u>
	<u>STP (MoDOT)</u>	<u>\$200,000.00</u>
	<u>Water/Sewer Fund</u>	<u>\$300,000.00</u>
	<u>CIP Fund</u>	<u>\$121,856.00</u>
	<u>General Fund</u>	<u>\$110,288.61</u>
<u>Alternate No. 1</u>		
<u>\$119,734.20</u>	<u>General Fund</u>	<u>\$119,734.20</u>
<u>Alternate No. 2</u>		
<u>\$315,205.80</u>	<u>Value Engineering</u>	<u>\$158,986.00</u>
	<u>NWMSU</u>	<u>\$156,218.96</u>
<u>Alternate No. 3</u>		
<u>\$212,895.16</u>	<u>Value Engineering</u>	<u>?</u>
	<u>General Fund</u>	<u>\$136,277.63</u>
	<u>CIP Fund</u>	<u>\$76,617.53</u>

The financing plan provides for the acceptance of the Orr Wyatt Streetscape Base Bid, Alternate No. 1 (mill & overlay), and Alternate No. 2 (university elements). After potential contract deductions and additional CIP savings from recent competitive trail bids, the project is within budget for acceptance. In the FY 2014 Budget, \$366,300.44 was allotted from the General Fund for use on the project. The revised financing plan only requires \$230,022.81 from the General Fund to complete the project. Also, due to bids received for ancillary features, additional Neighborhood Assistance Program (NAP) tax credits are eligible for use compared to the original financing plan.

Alternate No. 2 provides for university branding elements and has been approved by the university in the above amount. The bid contained an error for light pole medallions and the item will result in a change order deduct.

Alternate No. 3 provides for the continuation of all streetscape elements along the south side of 4<sup>th</sup> Street from Main Street to Fillmore Street. A financing plan for approval of Alternate No. 3 is shown above for further discussion. The plan utilizes the remaining project budget from the General Fund while utilizing an additional \$76,617.53 from the CIP Fund reserves. Certain items in Alternate No. 3 can also be value engineered to result in further deduct savings.

Staff recommended approval of the proposed ordinance to execute a contract with Orr Wyatt Streetscapes to construct the 4<sup>th</sup> Street Improvement Project, Phase I, STP-4303 (101) Base Bid, Alternate No. 1, Alternate No. 2, and Alternate No. 3 as presented and contingent upon MoDOT concurrence of the bid. Several line items in the apparent low bid can be value engineered and deducted to keep within budget while maintaining project quality. Due to the mixture and deadlines of various funding sources, city staff recommended proceeding with the project as bid to maximize grant use.

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

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

Motion was made by Councilwoman Martin, seconded by Councilman Funston to approve Council Bill No. 2013'53, to execute a contract with Orr Wyatt Streetscapes to construct the 4<sup>th</sup> Street Improvement Project, Phase I, STP-4303 (101) Base Bid, Alternate No. 1, Alternate No. 2, and Alternate No. 3 as presented and contingent upon MoDOT concurrence of the bid. 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. 7631 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was identified as Contract No. 2014-39.

**CONTRACT WITH SK DESIGN GROUP, INC., TO PROVIDE CONSTRUCTION OBSERVATION SERVICES, FOR THE 4<sup>TH</sup> STREET IMPROVEMENT PROJECT, PHASE I, STP-4303(101)**

The City Clerk Presented a Bill, Bill No. 2014'54 for an Ordinance Entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH SK DESIGN GROUP, INC., TO PROVIDE CONSTRUCTION OBSERVATION SERVICES FOR THE 4<sup>TH</sup> STREET IMPROVEMENT PROJECT, PHASE I, STP 4303(101), MARYVILLE, MISSOURI**

The City of Maryville has partnered with Northwest Missouri State University to engineer and design improvements to the Fourth Street corridor from Downtown to campus. The project physically and aesthetically enhances the six (6) block area mentioned as a priority in the Maryville Comprehensive Plan and Downtown Strategic Plan. The previous agenda item proposed a construction contract with Orr Wyatt Streetscapes for the 4<sup>th</sup> Street Improvement Project, Phase I (Base Bid, Alternate No. 1, and Alternate No. 2).

Construction observation (CO) services are required on projects funded by the Missouri Department of Transportation (MoDOT) and ensure proper construction methods are being followed per engineering plans. Construction observation provides an onsite inspector for major construction items and proper testing of materials such as concrete strength, etc. Typically, construction observation services are included in the base engineering contract as an additional line item during design. However, when the original contract was executed with SK Design Group, Inc. Construction Observation services were purposely left out as the scope of the project, funding, and timeline had not been identified or budgeted by the City of Maryville.

The contract for construction observation services with SK Design Group, Inc. for the 4<sup>th</sup> Street Improvement Project, Phase I is proposed in an amount of \$67,460 and includes project oversight and testing, general reimbursable expenses, and principal engineering if needed during construction. The amount is proposed as a not-to-exceed amount and city staff has discussed with SK Design Group, Inc. the desire to reduce required hours to only critical construction items. City staff and administration will provide daily required MoDOT journals and general contractor guidance to reduce this amount.

A total of \$67,000 was included for a City Project Inspector position in the FY 2014 Budget. With Construction Observation services already being provided on other projects, the long-term savings for an in-house position cannot be justified. The proposed contract with SK Design Group, Inc. in the not-to-exceed amount of \$67,460 is a one-time expense and will not result in a reoccurring expense affecting future budgets.

Staff recommended approval of the proposed ordinance to execute a contract with SK Design Group, Inc., to provide construction observation services for the 4<sup>th</sup> Street Improvement Project, Phase I, in an amount not-to-exceed sixty-seven thousand four hundred sixty dollars (\$67,460.00). Construction observation services are required on the project per MoDOT specifications and are standard on large scale capital improvement projects.

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

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

Motion was made by Councilwoman Martin, seconded by Councilman Funston to approve Council Bill No. 2013'54, to execute a contract with SK Design Group, Inc., to provide construction observation services for the 4<sup>th</sup> Street Improvement Project, Phase I. 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. 7632 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was identified as Contract No. 2014-40.

**AGREEMENT WITH RALPH D. WHITE, REGRADING OF 322 NORTH FILLMORE STREET**

The City Clerk presented a bill, Bill No. 2014'55 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE AN AGREEMENT WITH RALPH D. WHITE FOR THE REGRADING OF 322 N. FILLMORE, MARYVILLE, MISSOURI**

The City of Maryville has engineered and designed plans for the 4<sup>th</sup> Street Improvement Project, Phase I to functionally and aesthetically improve 4<sup>th</sup> Street between Main Street and Dunn Street. The 4<sup>th</sup> Street Improvement Project, Phase I includes the construction of a ten (10) foot wide concrete trail on the north side of the roadway, safety modification of the Dunn & 4<sup>th</sup> intersection, decorative light poles, benches, landscaping, asphalt mill and overlay, and certain way-finding elements.

Phase II of the 4<sup>th</sup> Street Improvement Project is designed to complete the corridor by improving the remaining south side of 4<sup>th</sup> Street. The project would include a five (5) foot sidewalk replacement, decorative landscaping, decorative light poles, benches and trash receptacles. The construction of Phase II will be challenging and costly due to grade elevations at several locations. Several areas contain failing retaining walls and the sidewalk is not ADA compliant. A significant portion of costs associated with the construction of Phase II are for new modular block retaining walls to ensure pedestrian amenities are ADA compliant. One of the properties with the most significant ADA challenges is located at 322 N. Fillmore and includes an integrated stair and retaining wall system.

The property at 322 N. Fillmore contains a vacant single family residential structure and is owned by Ralph D. White. The structure is in poor condition and has remained vacant since 2007. The property is located within the Campus Town Redevelopment Incentive Program (CTRIP) boundary and discussions with the owner had begun regarding its use. The design of the 4<sup>th</sup> Street Improvement Project, Phase II contains a new modular block retaining wall along the north side of 322 N. Fillmore and is estimated at a construction cost of \$50,000. During discussions with the property owner on general corridor beautification, the City proposed the concept of removing the structure and regrading the lot to eliminate the need for the proposed retaining wall. SK Design Group, Inc. prepared a regrading plan to allow for the removal of the wall while leaving a lot meeting requirements for a "buildable" lot. The construction of a half-lot three (3) foot retaining wall is still required on the south side of the property; however at a significantly reduced expense.

With the property owner's permission, the City of Maryville proceeded to bid the removal and regrading of the lot located at 322 N. Fillmore for cost estimate purposes. Nodaway Contracting submitted the apparent low bid of \$19,500. The materials for the half block retaining wall in the grading plan is estimated at \$9,500. The proposed agreement with Ralph D. White facilitates the immediate removal of a blighted structure located at 322 N. Fillmore and eliminates the construction requirement of a retaining wall along 4<sup>th</sup> Street planned in Phase II. Under the agreement, the City of Maryville would be responsible for removal of the structure, regrading of lot and hauling of excess fill to another location. Ralph D. White agreed to allow the removal and regrading while permanently maintaining the grade adjacent to the 4<sup>th</sup> Street right-of-way so that a retaining wall is not needed. The City would also purchase materials for the half-lot retaining wall; however the property owner is responsible for the proper construction of said wall per the plan. The owner intends to utilize the CTRIP program after the lot is regraded to construct a new duplex unit.

The agreement requires the City of Maryville to demolish the structure per the removal bid in the following agenda item in the amount of \$19,500 plus purchase materials for a half-lot retaining wall in the amount of \$9,500, for a total investment of \$29,000. If the lot is not regraded according to the proposed plan, a retaining wall in the amount of \$50,000 will be required to ensure ADA compliance along 4<sup>th</sup> Street in the city's right-of-way.

Staff recommended approval of the proposed ordinance to execute an Agreement with the Ralph D. White for the regrading of the lot located at 322 N. Fillmore. Due to financial implications of constructing retaining walls along the south side of 4<sup>th</sup> Street and timelines on current funding, the City of Maryville phased the 4<sup>th</sup> Street improvements to proceed with Phase I. The

designed Phase II addresses the significant ADA concerns along the south side; however the retaining wall along and adjacent to 322 N. Fillmore is estimated at \$50,000. The agreement with Ralph D. White saves approximately \$21,000 on the project in the long-term while immediately removing a blighted residential structure along the corridor. The removal of the existing retaining wall will also aesthetically improve the area while ensuring ADA compliance with regrading. Eliminating the retaining wall from the 4<sup>th</sup> Street right-of-way also eliminates the long-term maintenance and repair costs. Significant funds remain in the unsafe and dangerous structure line item in the FY 2014 budget due to property owner compliance, and staff recommends the partnership for immediate removal of the structure. Bids for the removal of 322 N. Fillmore and the regrading of the lot will be discussed in the next agenda item.

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 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 Councilwoman Martin, seconded by Councilman Shipley, to approve Council Bill No 2014'55, to execute an Agreement with the Ralph D. White for the regarding of the lot located at 322 N. Fillmore. 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.7633 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was identified as Contract No. 2014-41.

**CONTRACT WITH NODAWAY CONTRACTING COMPANY TO DEMOLISH AND GRADE LOT AT 322 N. FILLMORE STREET**

The City Clerk presented a bill, Bill No. 2014'56 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH NODAWAY CONTRACTING COMPANY TO PROVIDE DEMOLITION AND GRADING SERVICES FOR PROPERTY LOCATED AT 322 NORTH FILLMORE STREET, MARYVILLE, MISSOUR**

The previous item discussed the agreement with Ralph D. White to demolish and regrade the lot located at 322 North Fillmore Street. The agreement was reached with the property owner in an effort to aesthetically improve the 4<sup>th</sup> Street corridor while eliminating the need for a retaining wall in plans for the 4<sup>th</sup> Street Improvement Project, Phase II. For discussion purposes, the City of Maryville proceeded with the bids for removal and regrading services at the property to determine the cost benefit of proceeding. Bids for the required services on the proposed project were opened on March 27<sup>th</sup> from Nodaway Contracting Company, Inc. (\$19,500); and Madget Demolition, Inc. (\$21,800).

The apparent low bid is from Nodaway Contracting Company, Inc. at \$19,500.00 for the removal of the structure, regrading of lot, and hauling of excess dirt according to the agreement with Ralph D. White. The contract can be accounted for in the Unsafe & Dangerous Structure FY 2014 budget line item, which to date has incurred \$12,300 in total expenses.

Staff recommended approval of the proposed ordinance to execute a contract with Nodaway Contracting Company, Inc. for the purpose of providing demolition and grading services for the residential structure located at 322 N. Fillmore Street. The designed Phase II addresses the significant ADA concerns along the south side; however the retaining wall along and adjacent to 322 N. Fillmore is estimated at \$50,000. The agreement with Ralph D. White saves approximately \$21,000 on the project in the long-term while immediately removing a blighted residential structure along the corridor. The removal of the existing retaining wall will also aesthetically improve the area while ensuring ADA compliance with regrading. Eliminating the retaining wall from the 4<sup>th</sup> Street right-of-way also eliminates the long-term maintenance and repair costs. Significant funds remain in the unsafe and dangerous structure line item in the FY 2014 budget due to property owner compliance, and staff recommends immediately removing the structure per the agreement.

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

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

Motion was made by Councilman Funston, seconded by Councilwoman Martin, to approve Council Bill No 2014'56, to execute a contract with Nodaway Contracting Company, Inc. for the purpose of providing demolition and grading services for

the residential structure located at 322 N. Fillmore Street. 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. 7634 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. 2014-42.

**RESOLUTION AUTHORIZING A LOT SPLIT FOR PROPERTY LOCATED ALONG EAST SOUTH HILLS DRIVE**

The City Clerk presented a bill, Bill No. 2014'57 for a resolution entitled:

**A RESOLUTION AUTHORIZING A LOT SPLIT OF PROPERTY OWNED BY DADA, INC., LOCATED ALONG EAST SOUTH HILLS DRIVE MARYVILLE, MISSOURI.**

In accordance with the Municipal Ordinance 410.060, a lot split need not be approved by the Planning and Zoning Commission, but shall be approved by resolution of the Council prior to recording.

An application was submitted by Todd Hill owner of DADA, Inc.,. The property is a parcel of land containing approximately 6.54 acres that has road frontage off of East South Hills Drive. The request is to split one acre of this property from the existing parcel. The plan is for an auto body repair shop to be located on this one acre area that would be created. The property is currently zoned M-1 and the proposed split meets all requirements per the code.

Staff recommended approval of the proposed resolution for a lot split of property located along East South Hill Drive requested by Todd Hill owner of TriState Ford. The lot split request meets the requirements of the Maryville Municipal Code and facilitates additional economic activity. As such, staff recommends approval of the resolution 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.

Motion was made by Councilwoman Martin, seconded by Councilman Jonagan, to approve Council Bill No 2014'57, to terminate the sign lease and permanently remove the billboard from the 4<sup>th</sup> Street corridor. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Funston, yea; Councilwoman Martin, yea, Mayor Riedel, yea. Motion carried.

Said bill was then identified as Resolution No. 608 and was duly passed, adopted and was thereupon signed by the Mayor Pro-Tem and attested by the City Clerk.

**PURCHASE OF 2014 FORD F-150 XL PICKUP TRUCK FROM JOE MACHENS FORD, FOR MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2014'58 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH JOE MACHENS FORD, THROUGH THE STATE OF MISSOURI CONTRACT FOR THE PURPOSE OF PURCHASING A 2014 FORD F-150 XL, PICKUP TRUCK, FOR THE MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI.**

The Fiscal Year 2014 Budget for Mozingo Lake Recreation Park earmarked \$20,000 for the purchase of a ½ ton four wheel drive pickup truck. The purchase of this truck is necessary to help offset the removal of three pickups from our service fleet (1989 Chevy S-10, 1994 GMC ½ ton 4x4, 1988 Ford Ranger). These trucks are being retired for mechanical and body issues along with safety concerns.

Bids were solicited, including local dealers, for the purchase of a ½ ton four wheel drive pickup truck based on the same specifications as available from State of Missouri purchasing contract. Bids were due on May 5, 2014 and no bids were received. The City had the option to either rebid the item or proceed with the purchase through the State of Missouri contract.

Staff has located a 2014 Ford F-150 XL, Regular cab 4x4 under statewide contract from Joe Machens Ford in Columbia, Missouri. The base price is \$19,291.00 plus \$119.00 for trailer tow mirrors, \$300.00 for an 8 foot bed and \$70.00 for delivery. The total purchase amount is proposed at \$19,780.00.

Staff recommended approval of the ordinance to execute a contract with Joe Machens Ford through the State of Missouri contract to purchase a 2014 Ford F-150 XL, Regular cab 4x4 pick-up truck for the Mozingo Lake Recreation Park Maintenance Division. The specifications under statewide contract C1140074001 will provide a useful pick-up to assist in maintaining the 3,000 acre park. Local bids were solicited however no bids were received by the due date with any vehicles regardless of specifications.

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 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 Councilwoman Martin, seconded by Councilman Jonagan, to approve Council Bill No 2014'44, to terminate the sign lease and permanently remove the billboard from the 4<sup>th</sup> Street corridor. 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.7635 and was duly passed, adopted and was thereupon signed by the Mayor Pro-Tem and attested by the City Clerk. The contract was identified as Contract No. 2014-43

**TERMINATION OF LMP STEEL AND WIRE COMPANY, TAX INCREMENT FINANCING (TIF) PROJECT AND DISSOLVING THE SPECIAL ALLOCATION FUND**

The City Clerk presented a bill, Bill No. 2014'59 for an ordinance entitled:

**AN ORDINANCE TERMINATING THE LMP, STEEL AND WIRE COMPANY, TAX INCREMENT FINANCING PLAN; TERMINATING THE LMP STEEL AND WIRE REDEVELOPMENT PROJECT; TERMINATING THE LMP STEEL AND WIRE COMPANY REDEVELOPMENT AGREEMENT; DISSOLVING THE SPECIAL ALLOCATION FUND FOR THE LMP STEEL & WIRE REDEVELOPMENT AREA AS A REDEVELOPMENT AREA; AND AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THESE AFOREMENTIONED ACTIONS.**

Discussions began in 2003, between the City of Maryville and LMP Steel & Wire Company about a Tax Increment Finance (TIF) Redevelopment Plan of real estate for a redevelopment project. The land is located east of the current Manufacturing Company, along Highway 136 East and was designated as a "blighted area".

The developer constructed a 40,000 square foot manufacturing facility which housed the relocated Excel Grinding Company from Hammond, Indiana. To make the cost of construction of the facility economically competitive with proposals received from various other locations, the developer requested assistance amounting to approximately \$356,348. The request was to assist in the form of reimbursement of expenses for an 8" water main from the north side of Highway 136 to the new facility and the paving of approximately 13,800 square feet of private roadway. The plan for infrastructure included room for future expansion.

On February 9, 2004, the Maryville City Council approved an ordinance accepting a petition from LMP Steel & Wire Company to annex property into the city limits of the City of Maryville. Annexation of the property was completed by the adoption of Ordinance No. 6635, approved by the City Council on March 22, 2004. The property was then rezoned from Agriculture to Manufacturing (M-2).

According to Section 99.820 RSMo, a Tax Increment Financing (TIF) Commission shall be appointed by the City Council in the form of an ordinance to hold hearings with respect to proposed redevelopment areas, redevelopment plans and redevelopment projects, and make recommendations on the same to the City Council. The TIF Commission was established on April 12, 2004, by Ordinance No. 6644.

The Commission fixed the time and place for holding a public hearing for the designation of the redevelopment area, the approval of the plan, the approval of the redevelopment project and the adoption of tax increment financing for the redevelopment project area. The Commission held the Public Hearing on March 23, 2004. The Commission heard and considered all protests, objections and comments submitted by any interested persons and tax districts affected by the proposed TIF. The Commission recommended to the Council approval of the ordinance approving the Redevelopment TIF.

April 12, 2004, the Maryville City Council approved the plan and adopted the Tax Increment Financing for the redevelopment area. The TIF was set up so that after the total equalized assessed valuation of the taxable real property in the redevelopment project area exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project area, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in subsection 2 of Section 99.855 RSMo, of the Act, each year after the effective date of the ordinance until the redevelopment project costs pursuant to the plan have been paid, or until June 30, 2014, whichever comes first, shall be divided as set forth in Section 99.845 of the Act. In addition to the payments in lieu of taxes described in Section 99.845(2) of the Act, fifty percent (50%) of the total additional revenues from taxes generated by economic activities in the redevelopment project area were to be paid by the appropriate collector to the City which shall deposit such economic activity taxes into a special fund called the "Special Allocation Fund" of the City for a purpose of paying redevelopment project costs until such redevelopment project costs have been paid or until June 30, 2014, whichever occurred first.

On December 14, 2009, the Maryville City Council adopted an ordinance acknowledging that LMP Steel & Wire Company had been purchased by Nucor and the new company assumed all duties and benefits of the LMP Steel & Wire Company TIF.

During the development of the LMP Steel & Wire Company TIF, the City of Maryville worked with attorney Bill Moore of King Hersey Law Firm to assist in preparation of proper documents. Mr. Moore now works for the law firm of White Goss Bowers March Schulte & Weisenfels and was contacted with the approaching expiration date. After legal review, a formal ordinance has been drafted to approve the termination of the LMP Steel & Wire Company TIF and dissolve the Special Allocation Fund on June 30, 2014.

City Staff recommended approval of the proposed ordinance to terminate the LMP Steel & Wire Company TIF project and dissolve the Special Allocation Fund on June 30, 2014. The original tax increment financing agreement assisted with infrastructure needs of the industrial development and terminates on June 30, 2014. The proposed ordinance allows for all closure documents to be executed and officially terminate the TIF.

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 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 Councilwoman Martin, seconded by Councilman Jonagan, to approve Council Bill No 2014'59, to terminate the sign lease and permanently remove the billboard from the 4<sup>th</sup> Street corridor. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Funston, yea; Councilwoman Martin, yea, Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7636 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **MAJOR CHANGES PROPOSED WITH INTERNATIONAL BUILDING CODE UPDATE**

Approximately a year ago, City of Maryville Staff proposed updating the building codes that currently regulate development. A proposed review schedule was presented to the Maryville City Council and staff has diligently been working towards that goal.

The codes that the City of Maryville currently use are the 2006 International Codes and the 2005 National Electrical Code. Codes that are eight and nine years old are considered antiquated in the industry. The City of Maryville deals with both private and State organizations that are using newer codes.

In addition, up to date codes will give the City of Maryville a better rating with the insurance services organization. This program offers insurance premium discounts for property owners in a municipality that has received good building code effectiveness rating. How current your building code is, plays a huge part of this rating. Furthermore, the codes to be adopted are not totally new codes but updated versions of the existing codes that we currently use. International codes are the standard codes that are being used throughout the United States and the world.

Listed below is a review of the steps in the code update process that staff has completed:

- Early in 2013, City Staff met with developers/contractors to discuss currently building codes and any problems that might exist.
- City Staff analyzed the concerns and recommendations from developers/contractors and presented this information to the City Council last summer.
- Staff received training on the updated codes utilizing online training opportunities and off-site training.
  - These included online training courses:
    - International Building Code update online presentation
    - International Mechanical Code update online presentation
    - International Fire Code update online presentation
    - International Plumbing Code update online presentation
    - International Residential Code update online presentation
  - The offsite seminars included:
    - Analysis of changes 2011 National Electrical Code
    - 2012 International Building Code transition from the 2006 International Building Code
    - 2012 International Residential Code transition from the 2006 International Residential Code
- City Staff met individually with specific trades to review building code requirements and establish guidelines for any amendments.

- The Missouri State statute mandate of a ninety day review process that was initiated February 1, 2014 has also been met.

Provided below is a brief review of the major code changes between the 2006 and 2012 International Building Codes:

### **2012 International Residential Code**

The residential code covers construction of one and two family dwellings

1. The 2012 International Residential Code has added a requirement that doors between the garage and dwelling unit are now required to have self-closing devices. This requirement intends to address concerns related to increased fuel loads and fire hazards located in a garage, toxic combustion bi-products of fires originating in the garage and elevated levels of carbon monoxide from the exhaust of vehicles operating in the garage.
2. Section R315, Carbon monoxide alarms are required in the immediate vicinity of sleeping areas if a fuel fired appliance or attached garage is present.
3. Section R501.3, with a few exceptions, the code now requires the under-side of floor joists be protected from fire if I-joists or manufactured floor trusses are utilized. The change addresses concern for firefighter safety and incidents of injury or death to firefighters while fighting residential fires due to the collapse of floors. The use of I-joists is common practice in our community and this change will affect nearly all single family houses built.
4. Section R507, the placement of bolts and lags for deck ledger attachment to band joists has been revised with a new table specifying the placement and minimum edge distances. This change is part of the code's continuing effort to eliminate deck collapses.

### **2012 International Building Code**

The Building Code covers construction of all buildings not covered in the 2012 International Residential Code.

1. Section 310.4, live/work units are now specifically recognized in the code. This recognition eases some of the code requirements for a residential occupancy that also conducts zoning allowed non-residential activities.
2. Section 703.7, requirements have been established for identifying fire separations in concealed areas such as floor/ceiling and roof/ceiling spaces. This requirement was put in place to stop the degradation of fire resistant walls by unknowing maintenance workers and IT personnel.
3. Section 705.5, exterior wall fire resistance rating is now required for exposures to fire from both sides when located 10 feet or less from the property line. Previously, this was a requirement when the distance was 5 feet or less. The increased fire separation distance was deemed necessary because of the potential that exists for buildings with walls rated, only from the inside, to be exposed to significant levels of radiant heat.
4. Section 903.2.3, the Group E (Educational) fire area threshold for installation of an automatic sprinkler system has been reduced from 20,000 square feet to 12,000 square feet. The new size limitation is consistent with that previously established for other moderate hazard occupancies.
5. Section 903.2.4, Item #4, Section 903.2.7 Item #4, 903.2.9, Item #5, a new sprinkler threshold has been established for occupancies that make, sell or store upholstered furniture. Group F-1 (Factory) fire areas have been lowered from 12,000 square feet to 2,500 square feet. Group M (Mercantile) has had its fire area lowered from 12,000 square feet to 5,000 square feet. Group S-1 (Storage) has had its fire area lowered from 12,000 square feet to 2,500 square feet.
6. Section 903.2.11.1.3, the installation of an automatic sprinkler system is now required in basements greater than 1,500 square feet in areas where obstructions such as wall, partitions or similar elements are introduced that could obstruct the application of a hose stream from the exterior. As basements pose some unique hazards when it comes to firefighting, this requirement has been in the code for some time. However, the exception that a sprinkler was not required if openings are present has been eliminated if interior walls are in place.
7. Section 907.2.3, a manual fire alarm system is required in Group E (Educational) occupancies that have an occupant load of more than 31 people. The previous requirement was 50 occupants. In addition, an emergency voice/alarm communication system shall be installed as an element of the fire alarm system. The requirement for the additional communication is in the event of a lock down situation or similar emergency.
8. Section 908.7, carbon monoxide detectors, in addition to being required in the residential code, are required in the building code for Group I (Institutional) and Group R (Residential) occupancies that contain a fuel burning appliance or have an attached garage.
9. Section 1011.1, in buildings with complicated means of egress systems, additional exit signs may be required. Exit signs are not new to the code. This provision is meant to address exit travel path that is not immediately apparent.
10. Section 1011.2, where general use exit signs are required in the means of egress serving guest rooms of Group R-1 occupancies, floor level exit signs must also be provided. This requirement is for occupancies such as hotels. If a

corridor or other egress component serving guest rooms were to fill with smoke, the general exit signs that are located higher in the space, could quickly become obscured by rising smoke. The installation of low level exit signs will assist occupants in the exiting of the building.

11. Section 1013.8, operable windows having a sill height of more than 72 inches above the finished grade, and an interior openable height of less than 36 inches, are required to have fall protection. This low height window sill requirement was put in the code in 2006 to prevent small children from falling from windows. In 2012, the minimum requirement was raised from the previous 24 inches to 36 inches. Windows equipped with fall prevention devices or window opening control devices are exempt from this requirement.
12. Section 3401.4, a new allowance recognizes the International Existing Building Code as an alternative to the provisions of Chapter 34 and its use is subject to the decision of the building owner and/or design professional. The IEBC is used to regulate existing buildings undergoing repair, alterations, additions or change of occupancy. The intent is to provide flexibility and permit the use of alternative approaches to achieve compliance with the codes.

### **2012 International Fire Code**

The purpose of the International Fire Code is to establish minimum requirements for a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings and to provide safety to firefighters and emergency responders during emergency operations. Many of the new requirements in the 2012 International Building Code are mirrored in the 2012 International Fire Code. Other major changes include:

1. Section 304.3.4, trash dumpsters and containers with an individual capacity of 1.51 cubic yards can no longer be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines. This regulation was put in place due to the large number of dumpster fires and the high fuel load contained within.
2. Section 603.4.2 and 603.4.2.3, requirements for the use and operation of portable outdoor gas fired heating appliances have been added. These requirements stipulate permissible and prohibited locations for these devices.
3. Section 605.11-605.11.4, new requirements were put in place for the installation of solar photovoltaic power systems. These requirements are in response to the ever increasing demand for alternative power sources and the increased frequency of their use.
4. Section 610, this section of the International Fire Code addresses the indoor and outdoor storage of used cooking oil. Due to its potential benefits if recycled and used in the biodiesel industry, more restaurants and similar businesses are capturing and storing cooking oil.
5. Section 904.11.5.1, a Class K rated portable fire extinguisher is now required for protection of a solid field cooking appliance. Fires involving cooking appliances that use solid fuels can be difficult to extinguish. This type of extinguisher is suitable for protection of these appliances.
6. Section 1009.9.4, no enclosed usable space is allowed under exterior exit stairways unless it is completely enclosed in 1-hour fire resistance rated construction. The open space under exterior stairways cannot be used for any purpose. A fire occurring in this space would jeopardize the use of the stairway for exiting during an emergency.
7. Section 6104.3.1, liquefied petroleum gas (propane) containers are not allowed on the roof of any building. Propane gas is a flammable gas with a vapor density heavier than air. Location of a container on a roof could lead to a fire or explosion hazard in the building below.

### **2011 National Electrical Code**

The National Electrical Code regulates all electrical installations in new and renovated buildings.

1. Section 210.8(b)(8), this section expands the requirements for ground fault circuit interrupter (GFCI) protection. Due to the frequent use of hand tools, GFCI protection is now required in all types of non-dwelling unit garages.
2. Section 210.12, arc-fault circuit interrupter protection previously required in only bedroom outlets has now had the requirement expanded to nearly all branch circuits and dwelling units. An AFCI protects a circuit against any type of arcing fault and will significantly reduce fires.
3. Section 250.32(b), the grounding requirements at separate buildings has been changed. It is now a requirement that an equipment grounding conductor be installed at a separate building for grounding purposes.
4. Section 406.12, tamper resistance receptacles are now required in all dwelling units. This is a major change that requires a new type of safety electrical outlet. This electrical outlet would keep children from inserting foreign objects into an energized electrical outlet.
5. Section 406.4(d)(4) and 5 and 6, this section requires that all replacement electrical outlets meet the requirements if necessary for arc fault circuit interrupter protection, tamper resistance and weather resistant.
6. Section 406.13 & 406.14, tamper resistant receptacles are required at hotels and motels and at child care facilities.
7. Section 770.100(b)(1) & Section 250.94, an inter-system bonding termination is required at the service equipment or

meter. This requirement is to address the bonding requirements for other systems including cable and telephone.

### **2012 International Plumbing Code**

The Plumbing Code regulates all aspects of water distribution and the drain, waste and vent systems for buildings.

1. Section 403.2, separate bathroom facilities are not required in mercantile establishments with under 100 occupants. This requirement has been raised from the 50 occupants in the 2006 International Plumbing Code.
2. Section 403.2.1, family or assisted use toilet facilities can now serve as a required toilet facility in a building required to have separate facilities. This allows for efficiency provided when either toilet room can be used by either sex. It increases the availability of facilities.
3. Section 607.2, the maximum distance between a hot water supply source and all fixtures served by this supply source has been reduced from 100 feet to 50 feet. This will minimize the time it takes to get hot water to a fixture.
4. Chapter 13, grey water recycling is now recognized by the code. This allows the reuse of waste water.
5. Section 312.3, a new requirement does not allow for air testing of plastic drain waste and vent systems. This requirement was put in place due to the dangers of putting too much pressure on a drain waste and vent system. After speaking with numerous plumbers, it was decided to eliminate this new provision of the code. Many times water is not available for testing or cannot be used due to weather conditions. Air can be safely used with the correct amount of caution.

### **2012 International Mechanical Code**

The Mechanical Code regulates the heating, air conditioning and ventilation of all buildings.

1. Section 403.3, nail salons are now required to have exhaust of 50 cubic feet per minute per station. This provision was put into place to adequately exhaust fumes from chemicals used a nail salon stations.
2. Section 507.2 & 507.21, Type I or Type II commercial kitchen hoods are not required for appliances with listed integral downdraft exhaust systems and a Type I hood is not required to be installed where complying electric cooking appliances are used.

### **2012 International Fuel Gas Code**

This code applies to installation of fuel gas piping systems.

1. Section 404.4, the code no longer permits fuel gas piping to penetrate foundation walls when the piping is installed below grade. Due to the fact that natural gas has a vapor density less than air, it tends to follow the path of underground pipes. Below grade installations could allow natural gas to enter into buildings.
2. Section 409.5, a shut-off valve is allowed to be located not greater than 50 feet from the appliance when installed as part of a manifold piping system.
3. Section 411.3.1, the maximum length of appliance connectors has increased from 3 feet to 6 feet.
4. Section 614.6, the maximum length for gas dryer exhaust ducts has increased from 25 feet to 35 feet.

### **2012 International Property Maintenance Code**

The code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises.

1. Section 304.1.1, 305.1.1 & 306.1.1, a detailed unsafe condition list has been added to the exterior and interior structure sections of the code. This section requires repair or replacement of the unsafe conditions.
2. Section 404.5.1, a new minimum area requirement section and table have been added to the code. This prohibits the dual use of dining rooms and living rooms as sleeping rooms unless they are sufficient size to incorporate the minimum required space for sleeping in addition to the minimum required space for dining or living room.
3. Section 506.3, a section was added for the regular maintenance of grease interceptors.
4. Section 604.3.1-604.3.2.1, several sections have been added to the code dealing with replacement of electrical that has been subject to water or fire damage.
5. Section 605.4, this section has been added to specifically prohibit use of flexible cords as permanent wiring due to the fire hazards that they pose.
6. Section 704.2. & 704.3, I-1 occupancies which include such facilities as assisted living and group homes has been added to the list of occupancies that require smoke alarms to be installed and maintained.

The next step in the implementation of the updated codes would be for the City Attorney and Staff to develop the proper ordinances for adoption of the code. These will be presented to the City Council for consideration, review and approval. With the adoption of the proposed codes, the City of Maryville will continue to insure that minimum standards for the health, safety and welfare of the community are met.

## REPORTS

### I. Student Liaison

### II. City Manager

- *South Main Traffic Corridor Study* - A South Main Street Committee kick-off meeting has been scheduled for Tuesday, June 24, 2014 at 10:00 a.m. SK Design Group, Inc. will be in attendance to review the results of the Community Opinion Survey and discuss traffic accident data. The committee will discuss initial data results, thoughts on the corridor, and ways to increase public participation throughout the process.
- *Maryville Wastewater Treatment Plant* - Contractor David E. Ross Construction is on site and has completed the concrete pour for a portion of the new facilities head works. The borrow area to the east of the project has also been reseeded with a good initial growth to restore it to the previous condition. It is estimated that the contractor remains thirty (30) days ahead of schedule placing a substantial completion on February 9, 2015 and final completion on March 11, 2015. Per the DNR/EPA agreement, the City of Maryville will be operating the new plant and meeting all necessary permit requirements by July 1, 2015.
- *I&I Sanitary Smoke Testing* – TREKK has been performing sanitary sewer smoke testing in the northern section of town and there have been a few concerns with smoke entering homes. In most instances property owners stated they did not have water in the drain traps in the facilities in the basements. TREKK is still estimating another sixty to seventy-five (60-75) days to complete the project if weather permits.
- *Finish Line Tank Replacement* - The owner of the Finish Line Convenience Store located along North Main Street has hired a contractor to remove the fuel tank and set a new tank onsite. The Department of Natural Resources (DNR) has a staff member on site to ensure proper installation of the new tank. City staff has been working with the property owner, contractor, and DNR throughout the process to ensure compliance.
- *ICSC RECon* - City Manager Greg McDanel, Assistant City Manager Ryan Heiland, and Nodaway County Economic Development Executive Director Josh McKim attended the 2014 International Council of Shopping Centers (ICSC) Retail Real Estate Convention (RECon) at the Las Vegas Convention Center, May 18-21st. RECon is the world's largest retail real estate exhibition and conference with over 32,000 attendees. Over 900 of the world's largest shopping center development companies and retailers were in attendance looking to expand into new markets and centers. Over three hundred (300) product suppliers and service companies were also in attendance to provide information on the latest industry products. The Maryville contingent spent three (3) days meeting with retailers and promoting opportunities, land, and vacant store fronts.
- *2014 MML Elected Officials Training Conference* – The Missouri Municipal League will be holding their annual elected officials training conference June 12-13, 2014 at the Columbia Holiday Inn in Columbia, Missouri. The training covers basic local government topics for elected officials such as budgets, sunshine law, ethics, and liability/risk. Registration is \$130 per person and includes lunch, reception, breakfast, all conference materials and two (2) Municipal Government Institute (MGI) workshops.
- *Northwest Missouri Regional Airport Pavement Rehabilitation* - The Northwest Missouri Regional Airport consultant, JVIation, Inc., has received the official Environmental Clearance from the Missouri Department of Transportation (MoDOT) regarding the upcoming pavement rehabilitation projects. The projects scheduled for this summer at the airport include rehabilitating the connecting taxiway and installing a new windcone alongside the runway. JVIation is proposing to release bids at the end of June with a bid opening in early July. Construction on the project would be scheduled to begin in late summer or early fall.
- *Memorial Day Weekend at Mozingo Lake Recreation Park* - Mozingo Lake Recreation Park was well attended for Memorial Day weekend. All RV spaces, including the Equestrian Camp, were sold out along with all cabins being rented. Tent camping was also 95% occupied. The golf course hosted several events over the weekend, including the Tobin benefit tournament on Thursday and Friday and the Tobin Benefit Awards Dinner on Thursday Night. A City sponsored golf tournament was also held on Monday and was sold out as well. Saturday night was the Country Music Festival sponsored by KNIM and Mozingo. Concert attendance was estimated between 750-1000 people, in spite of poor weather conditions.
- *Mozingo Lake Recreation Park – Cabins 6 & 7* - Cabins 6 & 7 are approximately 95% complete with only minor projects remaining to be completed. Staff is planning on holding an open house at the end of June so that the public can tour the new cabins and meet the students of the Northwest Technical School who have completed a substantial majority of the construction.

- *Vocational Technical School – Cabin Construction* – The Maryville Vocational Technical School Personnel has indicated their desire to construct other cabins at Mozingo Lake Recreation Park, in the future.

**III. COUNCIL**

- Nothing

**EXECUTIVE SESSION**

Motion was made by Councilman Funston, seconded by Councilman Shipley that the Council, go into executive session. 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.

Council Members discussed an item related to Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Jonagan, seconded by Councilman Funston that the Council comes out of executive session. 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.

**ADJUSTMENT OF CITY CLERK’S PAY**

Motion was made by Councilwoman Martin, seconded by Councilman Funston, to increase the City Clerk’s pay to Level 8, Step 15, of the Employee Pay Scale for the City of Maryville. 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.

**ADJOURNMENT**

Motion was made by Councilwoman Martin seconded by Councilman Shipley that the meeting be adjourned. Upon the 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. Meeting was adjourned at 8:25 p.m.

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Renee Riedel, Mayor

ATTEST:

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Sheila Smail, City Clerk