

**Maryville City Council**  
**Regular Scheduled Meeting**  
September 8, 2014  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, September 8, 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 Riedel and roll was called by the City Clerk, with the following present to-wit: Mayor Renee Riedel, Council Members Rachael Martin, Jerry Riggs, and Jeff Funston. Tim Shipley arrived at 7:05 p.m. 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, Human Resource Manager Amy Strough 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. No changes were noted.

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

**APPROVAL OF MINUTES**

Mayor Riedel requested any changes to the minutes of the City Council meetings held on August 11 and 25 and a work session on August 25, 2014, be noted at this time.

Motion was made by Councilman Riggs, seconded by Councilwoman Martin, that the minutes be approved as presented. Upon roll being called, the vote was as follows; Councilman Funston, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, 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.

**TREASURER'S REPORT**

Dir., of Finance Denise Town reported that during the month of August 2014, the City received non-reoccurring funds from the Missouri Department of Transportation for reimbursement request #11 on the Munn Street Trail project (\$79,719.46).

Non-reoccurring disbursements for the month of August 2014 included payments to David E. Ross - pay estimate #11 for the Wastewater Treatment Plant Improvement Project (\$758,449.27); HDR Engineering – Wastewater Treatment Plant Improvement Project for engineering services (\$37,694.33); JD Bishop Construction – Munn Street Trail, Pay Estimate #1 (\$107,729.00) Coenen Enterprises – 5 generators for lift stations and Public Safety (\$165,519); Missouri State Division of Energy – repayment of VFD pump loan (\$78,715.79); Joe Machens Ford – 2014 Ford F150 truck for Mozingo Park Maintenance (\$19,661.00); Missouri Department of Natural Resources – water and sewer primacy fees (collected and remitted) (\$19,353.03); Keller Construction Company, for 5<sup>th</sup> Street asphalt overlay project (\$25,680.00); Nodaway Contracting – demolition services of 4<sup>th</sup> and Fillmore Street property (\$20,250.00); Orr Construction Management – 4<sup>th</sup> Street Improvements project (\$54,761.63); RDG Planning & Design – Mozingo Park master plan progress billing (\$17,400.00); UMB Bank – Principal on Series 2013 Certificate of Deposit (COP) issued for Munn and Depot Streets, (\$250,000.00); UMB Bank – Interest on Series 2013 COP issue for Munn and Depot Streets (\$30,050.00); UMB Bank – Interest on Series 2009 General Obligation Bond issue (\$72,749.38). The City will also be paying Schulte Supply – EZ Valve equipment and valves for Water/Sewer Maintenance (\$61,140.31) and Trekk Design Group – sewer smoke testing progress billing (\$41,720.20). Nodaway Contracting for the demolition of the structure at 4<sup>th</sup> Street and North Fillmore Street (\$20,250.00)

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

#### **PAYMENT VENDOR SCHEDULE**

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

#### **REQUEST OF SUPPORT, BY NEW NODAWAY HUMANE SOCIETY, DOUG SUTTON**

Doug Sutton, President of the Board for the New Nodaway Humane Society (NNHS), presented to the City Council a report on the financial status of operations. Mr. Sutton stated that the City's additional thirty thousand dollars (\$30,000) donated in Fiscal Year 2014, was a large boost to the finances and day to day operations. It was requested by Mr. Sutton that the City consider support in the same amount for fiscal year 2015, which was one hundred twelve thousand eight hundred dollars (\$112,800.00). The contracted amount of support from the City is eighty-two thousand eight hundred dollars (\$82,800).

Other sources of revenue include other cities and county support totaling three thousand two hundred forty dollars (\$3,240.00); licenses and tags, one thousand five hundred dollars (\$1,500.00); adoptions, eleven thousand eight hundred fifty dollars (\$11,850.00); and owner release at three thousand six hundred sixty-three dollars (\$3,663.00); membership, two thousand one hundred fifteen dollars (\$2,115.00); Angel for Animal Program at thirteen thousand six hundred fifty dollars (\$13,650.00); Luncheons, five thousand six hundred thirty-eight dollars (\$5,638.00); Buddy and sponsorship, four thousand four hundred sixty-five dollars (\$4,465.00); Individual donations at fifty-one thousand four hundred seventeen dollars (\$51,417.00); Tour Trips, eighteen thousand five hundred seventy-eight dollars (18,578.00); and Memorials, thirty-five thousand

eighty-eight dollars (\$35,088.00); bringing in a total revenue for fiscal year 2014, of two hundred fifty-eight thousand nine hundred two dollars (\$258,902.00).

Expenses for fiscal year 2014 included Wages, taxes and compensation, eighty-one thousand two hundred thirty dollars (\$81,230.00); Gas and Electricity, twenty-five thousand two hundred seventy-one thousand dollars (\$25,271.00); Food, eleven thousand one hundred forty-one dollars (\$11,141.00); Insurance, six thousand eighty-one dollars (\$6,081.00); Interest, two thousand ninety-six dollars (\$2,096.00); Veterinary Services and supplies, sixteen thousand twenty-three dollars (\$16,023.00); Other expenses, forty thousand nine hundred sixty-three dollars (\$40,963.00). The total for expenditures was two hundred eighteen thousand one hundred sixty-three dollars (\$218,160.00) for fiscal year 2014. The NNHS ended the year with a balance of forty thousand seven hundred forty-two dollars (\$40,742.00).

A grant was obtained through the Harold Dugdale Charitable Trust of seven thousand dollars (\$7,000.00) to purchase dog beds for the shelter.

Mr. Sutton reported that NNHS has been partnering with Petco and Pet Smart of St. Joseph, Missouri, to find homes for cats, with an average of three (3) cats a week transferred to these outlets.

Mayor Riedel stated that the City would consider their request for support during the development of the 2015 fiscal year budget.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH GALLAGHER BENEFIT SERVICES, INC., CHANGING THE OFFICIAL AGENT OF RECORD FOR INSURANCE BROKER AND CONSULTING SERVICES**

The City Clerk presented a bill, Bill No. 2014'95 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, TO EXECUTE A CONTRACT WITH GALLAGHER BENEFIT SERVICES, INC., CHANGING THE OFFICIAL AGENT OF RECORD TO PROVIDE INSURANCE BROKER AND BENEFITS CONSULTING SERVICES, MARYVILLE, MISSOURI.**

The City of Maryville has obtained group health, dental, and, life insurance, as well as supplemental life, vision, and AFLAC policies through Arnold Insurance Services, Inc., for several years. As the insurance broker, Arnold Benefit Services is hired to analyze the client needs and determine which kind of plans are suitable to meet their benefits strategy, collect quotes from insurance providers and negotiate the best rate possible. The broker listed as the City's Agent of Record with the insurance company is the only agent who can receive annual renewal rates on the City's behalf. All other brokers bidding on a group will receive the same standard quote from an insurance company. Some brokers have preferred status with certain insurance providers and these preferred statuses are often taken in to account when rates are being negotiated. For example Arnold Insurance Services is a "Blue Chip" broker for BlueCross BlueShield of Kansas City. More importantly than these relationships however, is the level of services provided to the client. On top of securing and negotiating final offers from insurance providers, broker services provided to local governments have evolved over the years to include a more comprehensive approach aimed at minimizing costs and ensuring effective use of the group plans. Standard insurance broker services have transitioned to encompass overall benefit consulting and provide many "value added" services that are critical for employees. These services not only focus on benefits; but compensation, retirement, and risk management.

The City of Maryville leadership team has been meeting since January to discuss overall employee benefits and strategies moving forward to best serve the organization. On July 14, 2014 City Council and staff held a workshop to discuss employee benefits and concerns. At this meeting, Council approved initiating a Request for Qualifications (RFQ) process for insurance broker and benefits consulting services as a part of performing our due diligence with regards to employee benefits. Numerous responses from interested firms were received to the RFQ by the deadline on August 21, 2014. The management team selected three firms, Arnold Insurance Services, Inc., Bukaty Companies, and Gallagher Benefit Services, Inc. for formal interviews with the City Council on August 25, 2014. All three companies presented their services to council and staff in attendance and answered follow up questions. The management team reconvened the week of September 1, 2014 to discuss RFQ's, follow-up on the interviews, and prepare a formal recommendation from employees to the City Council.

Insurance brokers are paid a commission through annual premiums as a part of the rate. For FY2014, the City paid 4% for these services on health insurance or a total of forty thousand nine hundred fourteen dollars (\$40,914.00).

Staff has discussed and noticed several concerns with existing services provided by Arnold Benefit Services, Inc. One of those concerns is with the lack of a long-term benefits strategy and thought beyond the annual process. While numerous value added benefits have been added in the response to the RFQ, staff questions the new partnership and reasoning for the lack of these services in the past. Staff is sensitive to the aspect of maintaining a local firm, however believe the community will be best served by bettering employees through the services and long-term benefits strategy offered by Gallagher.

Gallagher Benefit Services, Inc., based in Wichita, KS, serves over 1200 clients and has significant public sector industry experience. The firm's niche in local government will allow for proper plan design and analysis to gain a better understanding of the city's benefits strategy and how it compares to other municipalities. Gallagher will provide health and welfare consulting, human resources and compensation consulting, employee wellness plan and strategy, employee communications, plan procurement and negotiation, new hire orientation, open enrollment, and benchmarking services. Gallagher is already creating a strategic plan for Maryville called "The Pathway". The Pathway analyzes the current situation and goals, provides a step by step plan to achieve those goals, and a review of progress to keep on track.

The nine (9) goals were identified as follows:

- Creating an employee benefit and health management strategy which slows the increase of healthcare costs and avoids the "annual train wreck" each year.
- Maintaining compliance for our employee benefit plans, especially in light of Healthcare Reform.
- Developing a communication strategy which will increase the employees understanding of the employee benefit plans.
- Establishing a long-term relationship with an employee benefit advisor who helps us develop a benefits package, is a valuable partner and provides innovative ideas.
- Having a single resource for our administrative staff and employees to contact for answers about our employee benefit plans.
- Illustrating the total cost of our employee benefit plans to help our employees appreciate what we offer and not take the City's contribution for granted.
- Comparing our benefits, premiums, and employer contributions to other municipalities, and government agencies.

- Determining what benefits are important to our employees and considering their opinions when designing our plans.
- As we solve the challenges listed above, we need to carefully consider the cost to the City and the employees.

Staff recommended the City Council approve the proposed ordinance and execute an agreement with Gallagher Benefit Services, Inc. changing the City's official Agent of Record to provide insurance broker and benefit consulting services. All three companies presented quality responses to the Request for Qualifications; however the City's management team unanimously selected Gallagher Benefit Services, Inc. as a recommendation for council approval.

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 Councilman Funston, seconded by Councilman Shipley, to execute an agreement with Gallagher Benefit Services, Inc. changing the City's official Agent of Record to provide insurance broker and benefit consulting services. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Shipley, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7665 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. 2014-54.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH PROFESSIONAL TURF PRODUCTS, L.P. FOR THE PURCHASE OF A 2014 TORO WORKMAN HDX FOR MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2014'96 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, TO EXECUTE A CONTRACT WITH PROFESSIONAL TURF PRODUCTS, L.P., FOR THE PURCHASE OF A 2014 TORO WORKMAN HDX, MARYVILLE, MISSOURI.**

The Mozingo Lake Recreation Park Maintenance Division budgeted \$25,000 for the purchase of a turf type truckster to replace an aging 1994 model with over 4,600 hours. A turf truckster is a key piece of equipment in the day to day operations and is the work horse for staff on the golf course. Late in the season demonstrator models can be purchased at a discounted price, so staff waited until now to solicit quotes. Demo models also carry the same factory warranty as brand new units. The City of Maryville has often purchased demo models in the past with very good results. Bid quotes were received from the three (3) major suppliers of golf course equipment and were as follows: Kansas Golf and Turf, Jacobson/Cushman, for twenty thousand two hundred twenty-four dollars and fifty-six cents (\$20,224.56); Van Wall Equipment, John Deere/ProGator, twenty thousand four hundred ten dollars (\$20,410.00); Professional Turf Products, Toro Workman HDX, eighteen thousand six hundred sixty-one dollar and seventeen cents (\$18,661.17).

The FY14 Budget includes \$25,000 for the purchase of a replacement truckster in the Mozingo Lake Recreation Fund.

Staff recommended approval of the proposed ordinance to execute a contract with Professional Turf Products, L.P. for the Purchase of a 2014 Toro Workman HDX for Mozingo Lake Recreation Park. The demo model is currently available. Currently, the Maintenance Division has three (3) Workman units in the fleet and staff has been satisfied with the service and dependability of each.

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.

A motion was made by Councilwoman Martin, seconded by Councilman Shipley, to approve Council Bill No 2014'96, to execute a contract with Professional Turf Products, L.P. for the Purchase of a 2014 Toro Workman HDX for Mozingo Lake Recreation Park. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7666 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2014-55.

#### **AN ORDINANCE TO EXECUTE AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR THE FY2014 RECREATIONAL TRAIL PROGRAM**

The City Clerk presented a bill, Bill No. 2014'97 for an ordinance entitled:

#### **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE AN AGREEMENT WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR THE FISCAL YEAR 2014 RECREATIONAL TRAILS PROGRAM, MARYVILLE, MISSOURI.**

The City of Maryville has been awarded a Missouri Department of Natural Resources Trail Program grant for 2014. The grant is a 70/30 match and the City will have two (2) years to complete the project. The grant will provide funding for the construction of Phase 5 of the Mozingo Lake Recreation Park trail system. The new multi-purpose concrete trail will be eight feet (8') wide by one thousand six hundred three feet (1,603) long and will connect the existing trail at the "Point" and stretch through a wooded area and create a loop back to the trail near the beach. The total project cost is one hundred thirty-two thousand five hundred ninety-six dollars (\$132,596), with ninety-two thousand four hundred one dollar (\$92,401), with a seventy percent (70%) match provided by grant funds and thirty percent (30%) by the City, which can be realized by in-kind labor and use of City equipment.

Staff recommended approval of the proposed ordinance to execute an agreement with the Missouri Department of Natural Resources, Recreational Trails Program 2014 grant to complete Phase 5 of the Mozingo Lake Recreation Park Trail and allocate necessary funds in the FY 2015 Budget to complete the project.

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 2014'97, to execute an agreement with the Missouri Department of Natural Resources, Recreational Trails Program 2014 grant to complete Phase 5 of the Mozingo Lake Recreation Park Trail. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Councilman Funston, yea; Mayor Riedel, yea. Motion passed.

Said bill was then identified as Ordinance No. 7667 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2014-56.

**AN ORDINANCE TO EXECUTE A DEVELOPMENT AGREEMENT WITH CASEY'S MARKETING COMPANY, AN IOWA CORPORATION**

The City Clerk presented a bill, Bill No. 2014'98 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE A DEVELOPMENT AGREEMENT WITH CASEY'S MARKETING COMPANY, AN IOWA CORPORATION, MARYVILLE, MISSOURI.**

On June 23, 2014, the City of Maryville approved a Development Agreement with Maryville East Side Development, LLC, represented by Mark & Myles Burnside regarding a forty (40) acre tract of land situated along East First Street and Highway 71 Bypass. The property provides a significant opportunity to attract new retail opportunities creating a revitalized commercial area near the eastern entrance of the community.

The property presents three (3) immediate commercial economic development opportunities which include the construction of a carwash, a four (4) acre development to be released at a later date, and a Casey's Convenience Store. In development discussions it became clear that these businesses could become a catalyst for further development of the property to the north.

The Development Agreement with Maryville East Side Development, LLC outlined a joint desire to ensure proper infrastructure was provided to the site. According to the agreement, the City and Developer agree to the following conditions:

- Developer to construct a sanitary sewer infrastructure project consisting of proper engineering, Missouri Department of Natural Resources permitting, a five foot (5') wet well application eleven feet (11') deep, valves and pits, pumps and controls, a four inch (4") force main north to a city manhole, and gravity mains/manholes to provide service to at least three (3) planned projects
- City agrees to reimburse developer fifty-seven thousand dollars (\$57,000.00) for cost of sanitary sewer improvements, any project costs in excess of the amount will be borne by the Developer
- City agrees to accept permanent maintenance of sanitary sewer improvements upon inspection, Developer agrees to provide one (1) year warranty period on equipment
- Developer agrees to construct all interior roadways to or exceeding municipal specifications
- Roadways will include raised medians or landscaping to separate driving lanes and parking where appropriate

- Developer agrees to construct a proper storm water detention basin to serve development area
- City agrees to reimburse developer twenty thousand dollars (\$20,000) for construction of proper detention basin
- City agrees to accept permanent maintenance of storm water detention basin upon inspection

Casey's Marketing Company, An Iowa Corporation, now desires to begin construction on the southeast 3.10 acres of the development referenced above. The proposed Development Agreement with Casey's attempts to outline responsibilities based on the previous agreement with Maryville East Side Development, LLC. The agreement contains the following conditions:

- Within three (3) months of Casey's purchase of property, City will facilitate construction of sanitary sewer project outlined above
- City will permit Casey's a tie-in to said sanitary sewer project with a sewer lateral line
- Casey's agrees to pay City a Sanitary Sewer Impact Fee of seven thousand two hundred seventy dollars (\$7,270.00)
- City will facilitate the proper storm water detention basin construction to serve the development, including the Casey's property
- City agrees to grant Casey's a variance under Section 560.220 eliminating need for onsite storm water detention due to the construction of the storm water detention basin
- Casey's agrees to pay City a Storm Water Impact Fee of eighteen thousand dollars (\$18,000.00)
- Casey's shall be obligated of 1/3 of City's total cost for sanitary sewer and storm water detention if construction does not begin within twenty-four (24) months

The FY 2014 Budget included \$200,000 for infrastructure related to economic development and \$40,000 for improvements to storm water drainage in the community. The Development Agreement with Maryville East Side Development, LLC allocated a total of \$77,000 towards the project for public infrastructure.

The Development Agreement with Casey's Marketing Company accepts a total of twenty-five thousand two hundred seventy dollars (\$25,270) in additional revenue for sanitary sewer and storm water impact fees. Impact fees are fees imposed by local governments in an effort to pay for all or a portion of the costs of providing public services to a new development. An amendment to the Development Agreement with Maryville East Side Development, LLC is proposed in the next agenda item, to transfer these revenues back into the project and impose a timeframe for construction necessary for the Casey's convenience store project.

Staff recommended to Council to approve the proposed ordinance and execute a Development Agreement with Casey's Marketing Company, an Iowa Corporation, to facilitate the proper installation of sanitary sewer and storm water infrastructure on the property. Instead of paying Maryville East Side Development, LLC directly, the agreement with Casey's ensures City requirements are satisfied and municipal code is met through the infrastructure planning process. Historically, many large tracts of land have developed in Maryville without proper infrastructure planning creating challenges for growth and economic development.

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 Riggs, to approve Council Bill No 2014'98, to execute a Development Agreement with Casey's Marketing Company to facilitate the proper installation of sanitary sewer and storm water infrastructure on the property. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion passed.

Said bill was then identified as Ordinance No. 7668 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and the agreement was identified as Contract No. 2014-57.

**AN ORDINANCE TO EXECUTE AMENDMENT NO. 1 TO A DEVELOPMENT AGREEMENT WITH MARYVILLE EAST SIDE DEVELOPMENT, LLC**

The City Clerk presented a bill, Bill No. 2014'99 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE AMENDMENT NO. 1 TO A DEVELOPMENT AGREEMENT WITH MARYVILLE EAST SIDE DEVELOPMENT, LLC, MARYVILLE, MISSOURI.**

On June 23, 2014, the City of Maryville approved a Development Agreement with Maryville East Side Development, LLC, represented by Mark & Myles Burnsides regarding a 40 acre tract of land situated along East First Street and Highway 71 Bypass. The property provides a significant opportunity to attract new retail opportunities creating a revitalized commercial area near the eastern entrance of the community.

The original Development Agreement with Maryville East Side Development, LLC outlined a joint desire to ensure proper infrastructure was provided to the site. According to the agreement, the City and Developer agree to the following conditions:

- Developer to construct a sanitary sewer infrastructure project consisting of proper engineering, Missouri Department of Natural Resources permitting, a 5' wet well application 11' deep, valves and pits, pumps and controls, a 4" force main north to a city manhole, and gravity mains/manholes to provide service to at least (3) planned projects
- City agrees to reimburse developer \$57,000 for cost of sanitary sewer improvements, any project costs in excess of the amount will be borne by the Developer
- City agrees to accept permanent maintenance of sanitary sewer improvements upon inspection, Developer agrees to provide one (1) year warranty period on equipment
- Developer agrees to construct all interior roadways to or exceeding municipal specifications
- Roadways will include raised medians or landscaping to separate driving lanes and parking where appropriate
- Developer agrees to construct a proper storm water detention basin to serve development area
- City agrees to reimburse developer \$20,000 for construction of proper detention basin
- City agrees to accept permanent maintenance of storm water detention basin upon inspection
- Casey's Marketing Company, An Iowa Corporation now desires to begin construction on the southeast 3.10 acres of the development per the previous agenda item and Development Agreement. Amendment No. 1 to the Development Agreement with Maryville East Side Development, LLC is proposed to ensure the following:
  - Within three (3) months of Casey's purchase of property, Maryville East Side Development, LLC will facilitate construction of sanitary sewer project outlined above
  - City will remit all associated infrastructure impact fees to Maryville East Side Development, LLC to assist with proper infrastructure construction expenses

Impact fees are imposed by local governments in an effort to pay for all or a portion of costs associated with providing public services to the new development. Amendment No. 1 proposes a transfer of impact fees collected and associated with the development site back to Maryville East Side Development, LLC to pay for

infrastructure improvements. Often companies prefer impact fees to municipalities rather than developers directly to ensure all city codes are met and formalized agreements are in place to ensure construction of said infrastructure.

Staff recommended approval of the proposed ordinance to execute Amendment No. 1 to the Development Agreement with Maryville East Side Development, LLC to facilitate the proper installation of sanitary sewer and storm water infrastructure on the property. The amendment ensures the Developer meets the requirements for sanitary sewer within three (3) months of land transfer and impact fees are remitted to pay for improvements. The amendment aligns both development agreements to clarify responsibilities and project understanding.

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 2014'99, to execute Amendment No. 1 to the Development Agreement with Maryville East Side Development, LLC to facilitate the proper installation of sanitary sewer and storm water infrastructure on the property. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion passed.

Said bill was then identified as Ordinance No. 7669 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and making Amendment No. 1 a part of the original contract, being Contract No. 2014-45.

## **REPORTS**

### **I. NWMSU/Student Senate Liaison**

- *Greek Sorority Clubs* - The Greek Sorority clubs have had a big week with recruitment of new members.
- *Ribbon Cutting for University Police Department Facility* - A ribbon cutting ceremony is planned for Wednesday, September 10, 2014, at 2:00 p.m. for the new University Police Department (UPD) Facility.

### **II. City Manager**

- *Inflow & Infiltration (MI) - Sanitary Sewer Smoke Testing* - The saturated ground has prevented contractor TREKK Design Group, LLC from completing substantial smoke testing of the sanitary sewer for areas of inflow and infiltration of storm water into the system for the last two (2) weeks. Work has been completed on areas that saw major issues from heavy rainfall in mid-August and these reports should be completed within the next fourteen (14) days.
- *2014 Asphalt Mill & Overlay Project* -Keller Construction has returned to the project this past week and completed the mill of Faustiana and Vista Lane. Overlay progress has been held from completion due to above average rainfall and look to complete the project within the next few

weeks. Remaining segments to complete include Sunset, Walnut from 4<sup>h</sup> to Prather Ave, all Oak Hill Cemetery roads, and a downtown section of alley between 4<sup>h</sup> & 5th Streets.

- *Water Treatment Plant Capex Roof Repairs* - The Capex is a separate building that houses a set of membranes utilized for water production at the Maryville Water Treatment Plant. Staff has been monitoring the condition of the Capex roof for the past year and has noted some issues requiring repairs. The repairs were slated to be included in a draft budget for FY15 however in the past thirty (30) days conditions have worsened and light shown through the roof. Staff worked with PeopleService, Inc. to obtain quotes and complete the emergency repairs so no further damage is done to the structure or membranes. The low quote was provided from Jason Brown Roofing for an amount of \$3,800 and is scheduled to be repaired this week.
- *Third & Munn Sewer Main RFP* - The City of Maryville is seeking bids for a firm to provide a design-build project which includes the engineering, purchase and installation of approximately 450 linear feet of sanitary sewer pipe, at a minimum of 8" diameter, as well as the addition of two (2) manholes set a maximum of 300 linear feet apart. The project also includes connecting 5-7 service lines to the new sewer main. Several homes along Third Street share a private sanitary sewer line due to a lack of main extension and the line has had numerous maintenance issues. Proposals will be accepted until Tuesday, September 23<sup>d</sup> at 10:00 a.m. An optional pre-proposal meeting will be held on Thursday, September 11, 2014, at 10:00 a.m.
- *Street Maintenance Laborer Positions* - The City of Maryville is seeking qualified applicants for two (2) Street Maintenance Laborers in the Public Works Department. The position will participate in the construction, repair, cleaning, and/or maintenance of city streets, grounds, or other facilities, including snow removal. Duties will be performed outdoors in all conditions requiring manual labor. Candidate must possess or be willing to acquire a valid Missouri Class B CDL. Full retirement contributions, health, dental, and life insurance benefits provided. Applications can be obtained at City Hall or online at [www.maryville.org](http://www.maryville.org).
- *CGI Communications, Inc. Community Videos* - The City of Maryville is pleased to announce a partnership with CGI Communications, Inc. to produce a series of online videos highlighting all our community has to offer its residents, visitors, and businesses. The short videos will be professionally produced by CGI with a welcome to Maryville video, and three (3) additional videos to showcase various aspects of the community. The videos will be placed on our website at [www.maryville.org](http://www.maryville.org) and examples of such videos can be found at [www.mayors.tv](http://www.mayors.tv). CGI Communications, Inc. is a partner with the National League of Cities (NLC) to ensure there is no cost to the City of Maryville for this service. CGI Communications, Inc. will also be reaching out to local businesses to see if they want additional online videos created for their business as sponsors for the project.
- *Oak Pointe Informational Meeting* - Oak Pointe Assisted Living & Memory Care will be holding an information meeting on Thursday, September 11<sup>h</sup> at 1:00 p.m. The meeting will be held at the Center for Innovation and Entrepreneurship (CIE) on the Northwest campus to discuss how Oak Pointe will connect with the community and residents. Please contact Kim to RSVP at 660-562-

2799.

- *Northwest Technical School - 308 E. 6<sup>th</sup> Street* -On April 8, 2013, the City of Maryville approved a Memorandum of Understanding (MOU) with the Northwest Technical School to construct two (2) cabins at Mozingo Lake Recreation Park. In the agreement, the City donated a lot located at 308 E. 0 Street to the Northwest Technical School for future use. Construction of cabin #6 & #7 at Mozingo are now complete and the students are working on a single family structure at 308 E. 6<sup>th</sup> Street. The lot was acquired through the unsafe and dangerous structure process and staff believes the tradeoff was beneficial for the community. Staff is researching additional opportunities to continue this partnership with the students in the future.
- *Mozingo Lake Recreation Park FY15 Budget* -Staff will be meeting with the Mozingo Advisory Board on Thursday, September 11<sup>th</sup> to present and discuss a draft FY15 Mozingo Fund budget. The meeting will begin at 5:30 p.m. and will be held at the Maryville Community Center in the large upstairs conference room.
- *Mozingo Lake Recreation Park Advisory Board* - As of October I, 2014 the Mozingo Advisory Board will have at least two (2) and up to three (3) open positions on the board. Applications are still being accepted and they can be obtained in person at City Hall or online from the City website.
- *Tom Watson Designed Junior Golf Course at Mozingo Lake Recreation Park* -Installation of the irrigation system has begun and depending on the weather, should be completed by the end of the week, or mid-week next week. Seeding of the golf course should occur the week of September 22, 2014, and the course remains on schedule for play in spring 2015.
- *Northwest Missouri Regional Airport Fly-In Event* -The Hawk Road Flyers Club will be holding a fly-in event at the airport this Sunday, September 14, 2014. Activities include an all you can eat breakfast from 1am - 1 pm (\$6/person, pilots who fly in eat free), airplane rides for \$25/passenger from 8:00 am – 3:00 pm, flight simulator, aerial demos, & aviation stories at the "Pilot's Corner". Displays will include National Guard aircraft, Air Ambulance helicopters, State Patrol Aircraft, War Birds (Sam Graves's collection), Biplanes, Air Tractors (crop dusters), and antique aircraft. A silent auction will also be held and all proceeds go towards the EAA Young Eagles aviation education fund and future fly-in events.

### **III. CITY COUNCIL**

- *Joint Task Force Meeting* - The next Joint Task Force meeting is scheduled for Monday, September 15, 2014
- *Mayor Speaks at District Commission Meeting* - Mayor Riedel will be speaking at the District Commission Meeting on Thursday, September 11, 2014.
- *Horace Mann Students Visit the Mayor* - Horace Mann's Second Grade class will visit City Hall to meet the Mayor and learn about city government, on Friday, September 12, 2014.

### **EXECUTIVE SESSION**

Motion was made by Councilman Shipley, seconded by Councilwoman Martin that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilman Funston, yea;

Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

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

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

#### **ADJOURNMENT**

Motion was then made by Councilman Shipley, seconded by Councilwoman Martin, to adjourn the meeting. Upon roll being called, the vote was as follows: Councilman Riggs, 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