

**Maryville City Council**  
**Regular Scheduled Meeting**  
October 13, 2014  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, October 13, 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, Tim Shipley, Jeff Funston. Others present were City Manager Greg McDanel; Asst., City Manager Ryan Heiland; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Public Safety Keith Wood, 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 Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea. Motion carried.

**APPROVAL OF MINUTES**

Mayor Riedel requested any changes to the minutes of the regularly scheduled City Council meetings held on September 8, and 22, 2014; a Budget Work Session on September 22, 2014; and a Special Called Meeting held on September 29, 2014, be noted at this time.

Motion was made by Councilman Funston, seconded by Councilman Riggs, 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.

**PRESENTATION OF GRANT FOR PUBLIC SAFETY DASH CAMERA, BY JEFF ARP, MIRMA**

Jeff Arp, Missouri Intergovernmental Risk Management Association (MIRMA), presented a plaque to the City of Maryville, Maryville Public Safety Department, as the recipient of grant funds in the amount of three thousand six hundred eighty-seven dollars and twenty-seven cents (\$3,687.27) to purchase a new dash camera for a patrol car.

Dir., of Public Safety Keith Wood expressed his appreciation of the grant money and added that

MIRMA had provided grant money in the past for the purchase of dash cameras and wearable cameras.

### **PROCLAMATION FOR MARYVILLE BUSINESS WOMEN OF MISSOURI WEEK**

Representatives of the Maryville Business Women of Missouri, were available to receive the proclamation presented by Mayor Riedel for the Business Women of Missouri Week, which is October 19 – 25, 2014. Mayor Riedel read the proclamation aloud and congratulated them on their dedication and service as working women of the Maryville community.

### **ANNUAL BUDGET REPORT OF THE MARYVILLE PUBLIC LIBRARY, BY DIR., STEPHANIE PATTERSON**

Stephanie Patterson, Dir., Public Library, was present to give the annual report of the Maryville Public Library. In Fiscal Year 2014, the Maryville Public Library circulated an all-time record of seventy-eight thousand eight hundred seventy (78,870) checkouts. The eight public computers saw nine thousand seven hundred eighty (9,780) logins and one thousand one hundred seventeen (1,117) logins to wireless internet. The library offered one hundred seventeen (117) programs and events for the year. There were four hundred forty-two (442) kids who participated in the Summer Reading Program. Overall use of the library, by patrons, was approximately eleven thousand five hundred thirty-eight (11,538).

The FY2015 Budget consists of two hundred seventy-one thousand seven hundred ninety-one dollars (\$271,791). The Public Library plans to receive six thousand three hundred seventy-seven dollars (\$6,377) through grants. An estimated revenue decrease of five thousand five hundred dollars (\$5,500) is expected due to the temporary waiving of nonresident fees. Another decrease of nearly six thousand dollars (\$6,000) is expected due to the drop of State Aid to libraries. In FY2015 the Public Library budget will be spending into reserves in the amount of fifteen thousand four hundred five dollars (\$15,405).

Expenditures include the estimated four thousand five hundred dollars (\$4,500) related to the countywide levy proposal on the April 7, 2015 ballot. Along with that expense will be a temporary postage expenses increase for mailing informational materials related to the countywide library service proposal.

The Public Library Board has decided to place on the election ballot for April 7, 2015, the proposal to change the Maryville Public Library to a City/County library to increase the revenue stream from within the City Limits to throughout Nodaway County. This would greatly increase the tax base and provide a sizable amount of additional revenue for the public library for operations.

### **CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**

Dir., of Finance, Denise Town was recognized for an award of a Certificate of Achievement for Excellence in Financial Reporting, through the Government Finance Officers Association (GFOA). This honor has been awarded consecutively for the past eight (8) years to the City of Maryville and Dir., Town.

### **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.

### **REQUEST FOR SPECIAL EVENT ON CITY PROPERTY, BY SIMPLY SIAM RESTAURANT**

Craig and Titiya Schuler, owners of Simply Siam, LLC, located on the downtown square of Maryville, at 314 North Main Street, submitted a request for permission to sell food from their food truck. The food truck has been approved by Nodaway County Health Department through inspections for meeting state requirements. They requested permission to park the truck in front of their current restaurant and sell food from this venue Wednesday thru Saturday, operating from 9:00 p.m. until 3:00 am, the following morning. They hoped to gain business from late night foot traffic. Mr. Schuler stated that they would be offering BBQ sandwiches.

Since the services they are requesting to provide are not in their restaurant, and would be considered as an itinerant merchant. Mr. and Mrs. Schuler have submitted an application for a Canvasser/Solicitor, Itinerant Merchant, and/or Peddler permit. As required by Section 615.040: Investigations and Issuance of License, of the Maryville Municipal Code, the Schuler's were required to complete the process of the criminal fingerprint background checks, resulting in no prior records.

Mr. Schuler was asked if there would be any electrical or other type cords across the pedestrian sidewalk that had the potential of being a tripping hazard. Mr. Schuler indicated that he had intended to run a cord from the restaurant to the food truck, but they will be covering the cord with a mat that is designed to minimize tripping by pedestrians.

Concern was also expressed about the chance of setting a precedence for future requests.

It was noted that Simply Siam, LLC had submitted the executed Hold Harmless/Indemnification agreement. The certificate of liability insurance will be submitted upon approval by the City Council.

Motion was made by Councilman Riggs, seconded by Councilman Funston, that the request submitted by Simply Siam, LLC, be approved, contingent upon the submission of the required certificate of liability insurance, naming the City of Maryville as an additional insured. 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.

### **TREASURER'S REPORT**

Dir., of Finance Denise Town reported that during the month of September 2014, the City received non-reoccurring funds from the Missouri Department of Transportation for reimbursement request #1 on the 4<sup>th</sup> Street Improvement project (\$42,182.88) and the Missouri Department of Natural Resources grant reimbursement on the Generator project (\$124,139.25).

Non-reoccurring disbursements for the month of September 2014 included payments to David E. Ross - pay estimate #12 for the Wastewater Treatment Plant Improvement Project (\$1,182,646.17); HDR Engineering – Wastewater Treatment Plant Improvement Project for engineering services (\$55,465.87); Hoggart Excavating – pay estimate #1, on 7<sup>th</sup> and 9<sup>th</sup> Street Trails project (\$184,489.21); Schlute Supply – EZ Valve equipment and valves for water/sewer maintenance (\$61,140.31); SK Design Group, for South

Main Street Study Progress Payment – (\$20,762.10); Trekk Design Group for sewer smoke testing progress billing, (\$41,720.20); Keller Construction – Vista Lane and Faustiana Street Asphalt Overlay (\$38,400.00); Lou Fusz Ford, 2 Police Interceptor sedans (\$47,394.00); Orr Construction Management – 4<sup>th</sup> Street Improvement Project (\$293,313.58); Orr Construction Management, Munn Street project (\$41,091.43)

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

**PAYMENT VENDOR SCHEDULE**

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

**LIQUOR LICENSE DATA PRESENTATION - 3<sup>rd</sup> QUARTER - 2014**

Public Safety Dir., Keith Wood provided an outline of the alcohol related arrests made since the renewed Liquor Licenses, July 1, 2014. A few of the establishments changed owners at that time.

In mid-August the Northwest Missouri State University Students returned to school, increasing the amount of alcohol related incidents to the level experienced in previous school years. It was reported that between July 1 and September 30, 2014, there were nine (9) Bar Patrol events conducted, one (1) round of Compliance Checks, and one (1) night of Party Patrol. Although Molly’s is the busiest location, the Palm’s and Burny’s have had several events generating large crowds. The Pub’s business has increased since its re-opening, but frequented by a different clientele.

It was staff’s perception that the current group of owners/operators are trying to keep underage drinking to a minimum. No establishments “self-reported” violations that they might have found in their businesses, which does not mean they are not locating and addressing them. There have not been any calls turning the offenders over for prosecution.

Due to the large amount of Minor’s in Possession (MIP) from the Party Patrol event, Council recommended police officers split their time spent on enforcement, more evenly between Bar Patrol and Party Patrol.

**BIG BAM – BICYCLE ACROSS MISSOURI**

Matt Gaarder, Maryville Downtown Committee, presented to the City Council, a proposal for the City of Maryville, to participate in the “2015 Big Bam Bicycle Across Missouri” event. It was estimated that on June 22, 2015, the participants would arrive to the City of Maryville. The City would provide them campground area to spend the night. The evening of their arrival, entertainment would be provided downtown for the entire community to participate. It was suggested that the entertainment be one of the

annual “Downtown Sounds” events sponsored by the Greater Maryville Chamber of Commerce. It was estimated to have one thousand (1000) bikers and support vehicles.

A contribution to the Promotion and Marketing Fund, of five thousand (\$5,000), will include each town’s name in much of the marketing, advertising, and promotions leading up to the event to host this program is and in return the host(s) will be given a full page add to advertise in the Missouri Life Magazine. It was suggested that the City pay half of the fee and the other half be donated by local businesses and/or individuals. A list of required amenities were provided to the City Council as part of the agreement.

It was discussed that the City pledge half of the total amount, and the remaining twenty-five hundred dollars (\$2500), be raised through local businesses and other donors.

A motion was made by Councilwoman Martin, seconded by Councilman Funston, to pledge two thousand five hundred dollars (\$2,500) toward the Big Bam event. Upon role being called, the vote was as follows: Councilman Funston, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea. Motion carried.

Once the second half of the required five thousand dollars (\$5,000) has been identified, the City will cut a check for their two thousand five hundred dollars (\$2,500).

**AN ORDINANCE TO EXECUTE AN AGREEMENT WITH THE MISSOURI MAIN STREET CONNECTION, INC., FOR PARTICIPATION IN THE MISSOURI MAIN STREET PROGRAM**

The City Clerk presented a bill, Bill No. 2014’106 for an ordinance entitled:

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MISSOURI MAIN STREET CONNECTION, INC. FOR PARTICIPATION IN THE MISSOURI MAIN STREET PROGRAM, MARYVILLE, MISSOURI.**

On September 19, 2014, the Maryville Downtown Improvement Organization, Inc. received notification that their application for an Affiliate 40/60 Matching Grant was awarded by the Missouri Main Street Connection, Inc. The matching grant will provide various training services to assist the downtown improvement organization in formal organization, economic restructuring, downtown design, and promotion efforts.

The Missouri Main Street Connection has now sent an agreement for consideration describing the duties and obligations of the City of Maryville and the Maryville Downtown Improvement Organization, Inc. The City of Maryville would be responsible for the payment of nine thousand six hundred dollars, (\$9,600) for the extensive onsite technical assistance provided by the Missouri Main Street Connection, Inc. The fee represents forty percent (40%) of the total twenty-four thousand dollars (\$24,000) cost. The City Council discussed and approved this at past meetings, therefore it was included in the Fiscal Year 2015 (FY2015) Budget.

The FY2015 Budget includes eleven thousand five hundred dollar (\$11,500) for the Maryville Downtown Improvement Organization, Inc. This amount includes the nine thousand six hundred dollars (\$9,600) to meet the agreement obligation and additional funds for travel expenses.

Staff recommended approval of the proposed ordinance to execute an agreement with the Missouri Main Street Connection, Inc. for participation in the Missouri Main Street Program. The Maryville Downtown Improvement Organization, Inc. is committed to enhancing downtown by learning the methods of the Four-Point Approach recommended by the National Main Street Center and Missouri Main Street Connection, Inc. The Maryville Downtown Improvement Organization, Inc. will assume all duties outlined in the agreement during participation in the program.

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 execute an agreement with the Missouri Main Street Connection, Inc. for participation in the Missouri Main Street Program. 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.

Said bill was then identified as Ordinance No. 7674 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. 2014-60.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH DREXEL TECHNOLOGIES, INC., TO PURCHASE A HP DESIGNJET T2500**

The City Clerk presented a bill, Bill No. 2014'107 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH DREXEL TECHNOLOGIES, INC. FOR THE PURCHASE OF A HP DESIGNJET T2500 PRINTER, MARYVILLE, MISSOURI.**

The City of Maryville employees a GIS (Geographic Information Systems) Coordinator who is responsible for mapping City utilities, facilities, and infrastructure. The employee maintains an ongoing record of water and sewer lines that are constructed within the city and updates other utilities that are added in the City's right-of-ways. Along with maintaining accuracy of the system, this employee assists all departments with mapping and large format printing needs.

The existing large format printer purchased in 2006 has been inoperable since June. Due to the considerable expense of these units, the decision was made to hold off until the approval of the FY15 Budget. The proposed replacement unit is a HP Designjet T2500 multifunction printer that will allow for web-connected printing, large format printing, copying, and scanning. Currently, staff does not have the ability to perform large format scanning which would allow for plan conversion projects and more

efficient record keeping. Three quotes were obtained for the HP Designjet T2500 by CDW Government Inc., (\$8,246.25), Drexel Technologies, Inc. (\$8,350.00), and MTE Office Center (\$8,483.93).

The FY2015 Budget includes eight thousand three hundred fifty dollars (\$8,350.00) for the purchase of a large format printer in the General Fund. Although CDW Government Inc. provided the apparent low bid, staff has concerns from previous purchases regarding continual service and unit support. Staff recommends accepting the bid from Drexel Technologies, which comes installation and onsite training, in the amount of eight thousand three hundred fifty dollars (\$8,350.00).

Staff recommended approval of the proposed ordinance to execute a contract with Drexel Technologies, Inc. for the purchase of a HP Designjet T2500 Printer, to replace an inoperable unit while enhancing staff capabilities. A one-year warranty, delivery, installation, onsite training and start-up ink cartridges will also be provided by Drexel Technologies, Inc.

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 Councilman Funston, seconded by Councilman Riggs, to approve Council Bill No 2014'107, to execute a contract with Drexel Technologies, Inc. for the purchase of a HP Designjet T2500 Printer. 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.

Said bill was then identified as Ordinance No. 7675 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. 2014-61.

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1, OF CONTRACT 2012-49, HWY 136 WATER MAIN REPLACEMENT PROJECT, PHASE I, WHITE CLOUD ENGINEERING & CONSTRUCTION COMPANY, INC.**

The City Clerk presented a bill, Bill No. 2014'108 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE CHANGE ORDER NO. 1 OF A CONTRACT WITH WHITE CLOUD ENGINEERING & CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF THE WATER MAIN REPLACEMENT PROJECT, PHASE I, MARYVILLE, MISSOURI**

Due to Councilman Funston's past employment with White Cloud Engineering and Construction Company, Inc., Councilman Funston recused himself from discussion and voting of this item, by leaving the Council Chambers.

On October 8, 2012, the City of Maryville approved a contract with White Cloud Engineering & Construction Company, Inc. for design-build services of the Water Main Replacement Project, Phase I. The project replaced a twelve (12) inch water main line originating from the Water Treatment Plant, west along Highway 136, connecting near Depot Street. Alternate No. 1 to the bid was also approved to connect the new water main north to an existing twelve (12) inch water main near Third Street. The total of the approved contract was nine hundred thirty-three thousand three hundred thirty-three dollars (\$933,333).

While the project is nearly complete, several construction items required additional work and price adjustments. Unit prices for material increased from the original bid in 2012 and several additional bores on the project near the Energizer facility. The project resulted in an expense of one million twenty-two thousand five hundred dollars (\$1,022,500) or eighty-nine thousand one hundred sixty-seven dollars (\$89,167.00) over the contractual amount. The contractor has agreed to split this expense with the City resulting in an additional forty-four thousand five hundred eighty-three and no/100 dollars (\$44,583.50), for materials. An additional six thousand four hundred dollars (\$6,400) was also required for concrete drive replacements and an additional sewer line connection at Bearcat Lumber that was outside the scope of the original project.

City staff also recommended the replacement of the six inch (6") waterline that runs along the west side of North Depot Street from 1<sup>st</sup> Street to 2<sup>nd</sup> Street. This section of line is in very poor condition and has had two major leaks within the past year. Crews worked overnight last winter on a section at 2<sup>nd</sup> Street as well as another break that had water shooting over the Co-op building. Staff's recommendation is to replace the line with an eight inch (8") line to alleviate the problem. The cost of the replacement was quoted at forty-six thousand dollars (\$46,000) and is incorporated into Change Order No. 1.

The Water Main Project, Phase I, contract amount of nine hundred thirty-three thousand three hundred thirty-three dollars (\$933,333) was budgeted in FY14. Change Order No. 1 proposes an additional seventy-seven thousand seven hundred three and 50/100 dollars (\$77,703.50) on the project to account for a necessary extension along Depot Street and material pricing overages. While the additional amount is not included in the budget, staff believes the Water/Sewer Fund budget will experience savings due to competitive bids on sewer projects, such as Third Street & Munn Avenue.

Staff recommended approval of the proposed ordinance to execute Change Order No. 1 with White Cloud Engineering & Construction Company, Inc. in an additional amount not-to-exceed seventy-seven thousand seven hundred three and 50/100 dollars (\$77,703.50) for the Water Main Replacement Project, Phase I. The project has been a critical improvement to the distribution system and the additional replacement along Depot Street is needed due to condition of the line and ties into the new main.

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 2014'108, to execute Change Order No. 1 with White Cloud Engineering & Construction Company, Inc. in an additional amount not-to-exceed seventy-seven thousand seven hundred three and 50/100 dollars (\$77,703.50) for the Water Main Replacement Project, Phase I. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilman Funston, abstained; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea. Motion passed.

Said bill was then identified as Ordinance No. 7676 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Change Order No. 1 being made a part of the original agreement, which was identified as Contract No. 2014-49.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH WHITE CLOUD ENGINEERING & CONSTRUCTION COMPANY, INC., FOR THE DESIGN-BUILD OF THE THIRD STREET SEWER MAIN INSTALLATION PROJECT.**

The City Clerk presented a bill, Bill No. 2014'109 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH WHITE CLOUD ENGINEERING AND CONSTRUCTION COMPANY, INC., FOR THE DESIGN-BUILD OF THE THIRD STREET SEWER MAIN INSTALLATION PROJECT, MARYVILLE, MISSOURI**

Due to Councilman Funston's past employment with White Cloud Engineering and Construction Company, Inc., Councilman Funston recused himself from discussion and voting of this item, by remaining outside the Council Chambers.

A group of citizens along West 3<sup>rd</sup> Street have been dealing with sewer issues for several years and approached city staff three (3) years ago to discuss the installation of sanitary sewer main along West Third Street. Currently, there is no public sanitary sewer main on this street and homes have lines running down the Third Street right-of-way to connect at Munn Avenue. Some of the private lines are connected together creating problems when sewer backups occur and trying to determine responsibility. The proposed new sanitary sewer main along Third Street will alleviate problems for residents and future issues for the City of Maryville system.

The proposed project will install an eight inch (8") sewer main with an additional three (3) manholes to allow for maintenance of the line. The project will also connect a minimum of seven (7) residents to the new line.

The City advertised for bids and received bids from Orr Wyatt Streetscapes (\$105,000) and White Cloud Engineering and Construction Company, Inc. (\$44,444).

The Fiscal Year 2015 (FY2015) Budget includes a total of one hundred ten thousand dollars (\$110,000) for this project. A separate agenda item has proposed utilizing the potential savings in the Water/Sewer Fund to upgrade a problem area on Depot Street adjacent to the Water Main Project, Phase I.

Staff recommended approval of the proposed ordinance to execute a contract White Cloud Engineering and Construction Company, Inc. for the design-build of the Third Street Sewer Main Installation Project. The project will alleviate another section of private sanitary sewer line maintenance issues within the City's sanitary sewer system.

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

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

Motion was made by Councilman Shipley, seconded by Councilman Riggs, to approve Council Bill No 2014'109, to execute a contract White Cloud Engineering and Construction Company, Inc. for the design-build of the Third Street Sewer Main Installation Project. Upon roll being called the vote was as follows: Councilman Funston, abstained; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion passed.

Councilman Funston rejoined the Mayor and City Council for further business to be discussed.

Said bill was then identified as Ordinance No. 7677 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. 2014-62.

#### **AN ORDINANCE TO EXECUTE A CONTRACT WITH MID AMERICAN SIGNAL, INC., FOR THE PURCHASE OF A RADAR VEHICLE DETECTION SYSTEM**

The City Clerk presented a bill, Bill No. 2014'110 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH MID AMERICAN SIGNAL, INC. FOR THE PURCHASE OF A RADAR VEHICLE DETECTION SYSTEM FOR THE INTERSECTION OF SOUTH AVENUE AND SOUTH MAIN STREET, MARYVILLE, MISSOURI.**

Over the last few decades, Maryville has grown and extended its development south along South Main Street/Business Hwy 71 corridor. Additional destinations have created high traffic volumes reliant on existing infrastructure. The intersection at South Main Street and South Avenue have often been a bottleneck in the system preventing proper traffic flow. While a complete intersection modification and

roadway reconstruction is intended for the long-term in the Maryville Comprehensive Plan, staff has been analyzing minor improvements that could be made immediately to assist in alleviating traffic.

The traffic signal at this intersection operates on a “puck” system, which is a small electronic sensor about the size of a hockey puck (thus the name) that is embedded in the pavement to detect vehicles passing over it. The puck then sends an electronic pulse to tell the signal controller that a vehicle has pulled up to the traffic light. The pucks contain a battery and when batteries need to be replaced traffic must be interrupted as crews work to remove and replace equipment. Puck systems provide limited traffic relief when used in high backup intersections as they operate directly on a vertical sensor.

Another traffic signal option is called a Radar Vehicle Detection System. The radar system transmits electromagnetic signals that are reflected by moving targets in its vision range. Radar is an above ground solution mounted on the fixed arms allowing for range to be adjusted at the control box. The units create between 100-300 linear foot 90 degree views of each intersection detecting vehicles in thru/turn lanes for improved timing accuracies. Sensors are flexibly placed on intersection poles and perform regardless of light or weather. On April 22, 2013, staff attended a demo of a simulated radar stop bar detection system from WaveTronix at the intersection of Main Street & South Avenue. The system was connected to the computer monitor to show radar detection and identified traffic issues. The demo was performed at 3:00 p.m. during high traffic and highlighted 10-25 second delays through signal changes due to inaccuracies of puck detection. Several pucks also did not appear to register left-turn movements complicating thru traffic. The radar system also includes capabilities to perform detailed traffic counts with limited tech support.

Since the product demo last year, the City of Maryville has hired SK Design Group, Inc. to perform a South Main Street Traffic Corridor Study. While the full report is not complete, it has concluded that an upgraded signal would improve the Level of Service (LOS) at this intersection. A radar vehicle detection system and optimization of signal timings would expect the current average vehicle delay to be reduced from approximately 160 sec/veh to around 42 sec/veh and improve the Level of service.

The Radar Vehicle Detection System from Mid American Signal, Inc., has been quoted at twenty-one thousand five hundred thirty dollars (\$21,530.00). This amount includes all training and initial optimization and setup. In addition to the price of the system, an estimated four thousand dollars (\$4,000) will be required for installation and electrical work to pull new control wiring and complete the connection to the cabinet. A total of twenty-six thousand dollars (\$26,000) is included in the FY2015 Budget from the Capital Improvement Fund for this project.

Staff recommended approval of the proposed ordinance to execute a contract with Mid American Signal, Inc. for the purchase of a Radar Vehicle Detection System for the intersection of South Avenue and South Main Street, in an amount not-to-exceed twenty-one thousand five hundred thirty dollars (\$21,530.00). Traffic congestion has been well documented at this location and continues to increase with further development of the South Main corridor.

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 2014'110, to execute a contract with Mid American Signal, Inc. for the purchase of a Radar Vehicle Detection System for the intersection of South Avenue and South Main Street, in an amount not-to-exceed twenty-one thousand five hundred thirty dollars (\$21,530.00). 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. 7678 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. 2014-63.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH ALLIED SYSTEMS, INC., TO PURCHASE A VAUGHAN 30HP CHOPPER PUMP.**

The City Clerk presented a bill, Bill No. 2014'111 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH ALLIED SYSTEMS, INC. FOR THE PURCHASE OF A VAUGHAN 30HP CHOPPER PUMP, MARYVILLE, MISSOURI.**

The Southwest Lift Station is a crucial part of the Maryville sanitary sewer collection system. Staff has budgeted to have the electrical/control panel replaced in this year's budget. The pumps from the East Lift Station will also be retrofit for the Southwest Lift Station with Change Order No. 1 to the Waste Water Treatment Plant Project. Both upgrades will be a major improvement for the Southwest Lift Station.

Recently, pumps have tripped out causing concern that the 70 HP pump that was having the problem could be burned up leaving just a 20 HP pump not capable of keeping up with flow rate in the future. Staff has been routinely inspecting the station to ensure if pumps are tripped that the unit can be placed back in service until another pump is acquired and work can be performed on the control panel.

Through discussions with Allied Systems, Inc. staff felt it was critical to proceed on ordering a new pump, which could take four to six (4-6) weeks for delivery leaving the station susceptible to problems. Allied Systems, Inc. agreed that if the city placed an order they would bring down a rental pump and install for no additional charge until the new pump arrived.

The new pump will be a 30 HP unit that is capable of being retrofit to three (3) of the city's other lift stations upon transfer of the East Lift Station pumps to the Southwest Lift Station. The purchase will also

alleviate the concern of not being able to get a pump immediately if other issues arise at various lift stations.

The cost of the new 30 HP Vaughan chopper pump is fifteen thousand eight hundred dollars ((\$15,800) with an additional cost of one thousand dollars (\$1,000) for delivery and installation.

City staff recommended the approval of the proposed ordinance with Allied Systems, Inc. for the purchase of a Vaughan 30HP Chopper Pump in a not-to-exceed amount of sixteen thousand eight hundred dollars (\$16,800). The pump will provide for temporary relief at the Southwest Lift Station and provide additional emergency backup for the system.

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 Riggs, seconded by Councilwoman Martin, to approve Council Bill No 2014'111, with Allied Systems, Inc. for the purchase of a Vaughan 30HP Chopper Pump in a not-to-exceed amount of sixteen thousand eight hundred dollars (\$16,800). 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. 7679 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, identifying the agreement as being Contract No. 2014-64.

#### **AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK**

The City Clerk presented a bill, Bill No. 2014'112 for an ordinance entitled:

#### **AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK**

During a recent closed session meeting, City Council Members and staff discussed litigation in which the City was an unnamed class action plaintiff in a lawsuit against CenturyLink. The case involved the failure of CenturyLink to pay all required taxes. CenturyLink is required to pay a franchise tax to the City due to its use of the City's rights-of-way, and did not pay the tax on certain portions of its revenues.

Recently, the named Plaintiff (the City of O'Fallon) entered into a settlement agreement with CenturyLink. The City of Maryville was then left to determine whether it wanted to settle on the same terms as the named Plaintiff, or whether it wanted to opt out of the settlement and pursue an action against CenturyLink itself.

City Attorney Doug Thomson has been working with the St. Louis law firm of Cunningham, Vogel & Rost in this telecommunications claim. It was determined that it was in the best interests of the City to

approve the settlement reached by the named Plaintiff and CenturyLink and file a claim in the class action lawsuit settlement. From a legal and economic standpoint, they believe that the risks posed by not approving the settlement and filing our own lawsuit are outweighed by the benefits of accepting the settlement. Further negotiation with CenturyLink was believed to not end in a better result, although the presented ordinance allowed for that possibility to occur.

If the claim is approved, the City will receive approximately one hundred seventy thousand six hundred dollars (\$170,600) in settlement funds. This is comprised of approximately eighty-three thousand dollars (\$83,000) paid by CenturyLink in protest to the City (meaning that the funds could not be used by the City until the protest was resolved), and eighty-seven thousand dollars (\$87,000) in additional funds for prior unpaid taxes. As part of the settlement, CenturyLink agrees to pay taxes on all such revenues from this point on.

This will also resolve a number of lawsuits filed by CenturyLink against the City in order to preserve their claim against the protested portion of the settlement. The law does not allow them to protest taxes paid forever, they have to file a lawsuit on the protested funds within ninety days of making the protest.

City Attorney Doug Thomson recommended approval by the City Council for the class action settlement.

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 Riggs, seconded by Councilman Funston, to approve Council Bill No 2014' 112, to approval by the City Council for the class action settlement. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilman Funston, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea. Motion passed.

Said bill was then identified as Ordinance No. 7680 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. 2014-65.

## **REPORTS**

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

- *Homecoming Week at NWMSU* – This week is Homecoming week at Northwest Missouri State University (NWMSU). There will be activities all week, including the Variety Show on Thursday and Friday evenings and the Homecoming Parade on Saturday, at 9:00 a.m., on campus. NWMSU Homecoming football game, against Pittsburg State will begin at 2:00 p.m.
- Senator Claire McCaskill was on campus speaking to students regarding sexual assaults and the need of reporting.

## II. CITY MANAGER

- *4th Street Improvement Project, Phase I* – Orr Wyatt Streetscapes has made significant progress in the first few weeks of October. The contractor has completed the waterline installation and a significant portion of trail construction along the north side of 4th Street from Dunn to Fillmore. Several calls have been received about “gaps” in concrete pours. The “gaps” represent the sections where decorative light pole bases are to be installed in conjunction with the electrician on the project. Weather permitting, crews appear on schedule to complete the trail portion of construction yet this year.
- *4th Street Corridor Project NAP Tax Credits* - Neighborhood Assistance Program (NAP) tax credits remain available for the 4th Street Corridor Project through Nodaway County Economic Development (NCED). The City of Maryville partnered with NCED to obtain the credits through the Missouri Department of Economic Development (MDED) in an effort to improve the six (6) block corridor from downtown to Northwest Missouri State University. NCED has roughly three hundred thousand dollars (\$300,000) in seventy percent (70%) Missouri State tax credits which may be purchased in increments of one thousand dollars (\$1,000). Qualified contributors utilizing NAP tax credits include businesses, individuals who operate a sole proprietorship, operate a farm, have rental property or have royalty income, shareholders in an S-corporation, or are a partner in a Partnership or a member of a Limited Liability Company. More information is available by contacting NCED at 660-582-4490.
- *MPAC Holiday Hunt* - The Maryville Public Art Council (MPAC) has issued a call for artists for the Sixth Annual Holiday Hunt. The Hunt will be from 11:00 a.m. to 5:00 p.m. Sunday, November 23rd at the Maryville Middle School Commons. All artists, crafters and makers are invited to reserve a booth for this event. All booths are \$50 and multiple booth requests can be made. Anyone wishing to apply, was encouraged to log onto [www.maryville.org/publicart](http://www.maryville.org/publicart) or e-mail questions to [MaryvilleHolidayHunt@gmail.com](mailto:MaryvilleHolidayHunt@gmail.com). The Holiday Hunt is a great place to find unique had made holiday gifts while supporting local artists.
- *Autumn Open Burning Period* – The Autumn open burning period is scheduled from October 24 through November 6, 2014. The burning of yard waste under Section 225.065 is allowed during this period and for more information visit [www.maryville.org](http://www.maryville.org).
- *Council Chamber Technology Upgrades* – With the assistance of Mozingo Lake Recreation Park staff, rewiring was completed for the installation of two televisions in the City Council Chambers. Once additional equipment is received, the monitors will be connected to display a simultaneous visual image from a laptop or other audio video source. The monitors will allow council and audience members to view presentations, maps, other informational exhibits without moving or using outdated presentation equipment.
- *HERO Grant Application*- On October 1st, the City of Maryville submitted an application for the Home Repair Opportunity (HeRO) Program Grant. The grant is used for the repair and

rehabilitation of owner-occupied homes within the city limits of Maryville. The City requested one hundred thousand dollars (\$100,000) in funding to allow the rehabilitation of five (5) homes (each home \$20,000 max each). Eligible applicants are required to meet the income and property guidelines as set by the Missouri Housing Development Corporation. If awarded, there is no local match outside staff expense performing all inspections and grant administration on the project.

- *2014 Asphalt Overlay Project* – Keller Construction has completed all areas included in the 2014 Asphalt Overlay Project contract including roadways at Oak Hill Cemetery. In total approximately 4 linear miles of streets were resurfaced this year. Staff has compiled a list of street segments for the 2015 Asphalt Overlay Project; however will reevaluate the list after winter conditions. The list is anticipated to be presented to the City Council for discussion and bid in the spring of 2015.
- *7th & 9th Street Trail Project, STP-9900 (110)* – Hoggatt Excavating began construction on the project July 7, 2014. Areas of the project have been significantly delayed due to various utility conflicts; however progress is being made. Crews have completed the majority of construction along 9th Street from Northwest Missouri State University to Main Street. The contractor is working on the coordination of seeding efforts to potentially have a final walkthrough on that segment of the project. The final utility conflicts on 7<sup>th</sup> Street should be complete soon and allow the contractor a chance at completion before weather becomes an issue.
- *MoDOT Transportation Alternative Funds* - The Missouri Department of Transportation (MoDOT) has released applications for the Transportation Alternatives Program (TAP) which replaces funding for previous programs such as Transportation Enhancements (TE), Recreational Trails, and Safe Routes to School Programs. The funds are available to develop a variety of project types in both rural and urban communities to create safe, accessible, and attractive transportation features. The City of Maryville is preparing an application for funding to create the Spoofohound-Community Trail Extension Project. The proposed project would extend the concrete trail system approximately nine hundred (900) linear feet from the Maryville R-II School Board Office to the SRTS-INF-H101 (002) 2008 Safe Routes to School Trail located east of the football field. The project would connect completed trail segments connecting over one and one half (1.5) linear miles in the system. The total project is anticipated at One hundred sixty-three thousand six hundred seventy-seven and 50/100 dollars (\$163,677.50) and grant funding is requested at eighty percent (80%) or one hundred thirty thousand nine hundred forty-two dollars (\$130,942). If awarded, the City Council can determine whether to move forward with the grant or budget for the next fiscal year.
- *Mozingo Lake Recreation Park Trail Extension* – The Public Works Street Maintenance Division and Mozingo Maintenance Division have completed another major section of the concrete trail extension at the park. The trail now begins at the RV playground area and is completed east

through the trees. The trail project is estimated at fifty percent (50%) complete and staff is optimistic that one more major pour can be completed before weather becomes an issue.

- *Seven Miles on Mozingo Trail Run* - On Saturday, October 25, 2014, Hy-Vee will sponsor a 7-mile and 5K trail run at Mozingo Lake Recreation Park. The start/finish and post-race festivities will be at the multi-purpose building. Entry fee for this event includes a long-sleeve t-shirt and a meal ticket for the post-race party. Post-race activities include live music, BBQ cookout, bon fire, & beer tasting. This will be a great event for both runners & spectators. While Hy-Vee is sponsoring this event, this event is the result of a partnership between Mozingo Lake Recreation Park staff, Hy-Vee, and Northwest Missouri State University staff at MOERA.
- *Mozingo Lake Recreation Park Haunted Campground* – The annual Mozingo Lake Recreation Park Haunted Campground is scheduled for October 25, 2014. Activities will begin at 2:00 p.m. which include pumpkin carving, face painting, pet costume contest, pumpkin bowling, and a pumpkin cannon which shoots 5 inch pumpkins up to a one fourth (¼) mile. Trick or treating is from 5:00 p.m. to 7:00 p.m. and there is a decorating contest for RV sites. Special RV camping rates are available for the week of the Haunted Campground. More information is available at 660-562-2323.
- *Mozingo Lake Recreation Park Website* - Mozingo Lake Recreation Park staff, in conjunction with the City Attorney, have completed a Domain Name Transfer Agreement with the owner of mozingolakemo.com to the City of Maryville. The conflicting website was listed as a top response on search engines for many years for users obtaining information on Mozingo. The website was not affiliated with the City, out-of-date, and did not incorporate our rebranding/marketing efforts. The city's mozingolake.com now appears as the top result in search engines and online information.

### **III. CITY COUNCIL**

- *KCP&L Roundtable Discussion* – Dan Hegamen, KCP&L will be holding a roundtable discussion, October 30, at 5:30 p.m.

### **ADJOURNMENT**

Motion was then made by Councilwoman Martin, seconded by Councilman Shipley, to adjourn the meeting. 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. Meeting was adjourned.

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Renee Riedel, Mayor

ATTEST:

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Sheila Smail, City Clerk