

**Maryville City Council  
Regular Scheduled Meeting**

December 22, 2014

7:00 p.m.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, December 22, 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 Racheal Martin and Jerry Riggs. Council Members Timothy Shipley and Jeff Funston were not present. Others present were City Manager Greg McDanel; Asst. City Manager Ryan Heiland; City Attorney Doug Thomson; Dir., Public Works C.E. Goodall, 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**

City Clerk Sheila Smail gave the invocation.

**APPROVAL OF THE AGENDA**

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

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

Mr. Joseph Belanger, 1009 East First Street, stated that he was concerned about the violation of an ordinance that prohibits persons from parking their car in the front lawns.

Mr. Belanger also spoke of information thought to be important history regarding the Mozingo Lake Recreation Park land recommended staff study the history of Mozingo before making any further investment into Mozingo Lake Recreation Park.

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE LOCATED ALONG BUSINESS HIGHWAY 71 OWNED BY KAWASAKI MOTORS MANUFACTURING CORP., U.S.A.**

The City Clerk presented a bill, Bill No. 2014'135 for an ordinance entitled:

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE LOCATED ALONG BUSINESS  
HIGHWAY 71 OWNED BY KAWASAKI MOTORS MANUFACTURING CORP. U.S.A.,  
MARYVILLE, MISSOURI.**

Kawasaki Motors Manufacturing Corp., U.S.A. celebrated their 25<sup>th</sup> anniversary of the Maryville manufacturing plant on August 22, 2014. The company has been a well-respected critical piece of the Maryville community since opening in 1989, building elite engines sought by the most demanding outdoor brands, turf professionals, and homeowners in the world. The current plant employs over 800 full-time and 300 contract employees in nearly 800,000 square feet of space. Over the twenty-five year history, Kawasaki has expanded eleven times. While Kawasaki is the largest industrial employer in the community, the plant property is actually located outside and adjacent to the city limits. The current location of the city limits substantially reduces Kawasaki's tax liability; however also limits revenues available for various community betterment efforts. The Kawasaki property is listed at one hundred fifteen (115) acres; however the owner has provided MoDOT additional acres of right-of-way for highway purposes.

Kawasaki and City leadership have been in lengthy discussions about the future of Maryville and industry in the community. Kawasaki and the City share a vision of community success through a focus on infrastructure (South Main Street) and quality of life improvements, housing redevelopment, education, strong values, industrial growth, and creative economic development efforts. Both entities feel confident that through this enhanced partnership, significant community and corporate advancements can be made now and into the future. For those reasons, Kawasaki Motors Manufacturing Corp, U.S.A. has submitted a voluntary annexation petition to enhance their role as a corporate citizen of Maryville.

On November 24, 2014 the City Council approved an Ordinance acknowledging the petition to annex and scheduled a Public Hearing for December 8, 2014. A notice of the said public hearing was published in the Maryville Daily Forum on November 26, 2014 and the publisher's Affidavit of Publication is incorporated into the proposed ordinance by reference. The proposed ordinance completes the process of voluntary annexation requested by Kawasaki Motors Manufacturing Corp.,

U.S.A.

Missouri Revised Statutes Section 71.012 outlines voluntary annexation procedures for cities regarding unincorporated areas that are contiguous and adjacent to existing corporate limits. The section provides that upon presentation and acceptance of a petition, the City Council shall hold a public hearing concerning the proposed annexation.

According to the Maryville Comprehensive Plan, a cost benefit analysis includes “the economic benefits of annexation, including projected tax revenues, should compensate for the additional cost of extending services to newly annexed areas.

With this proposed voluntary annexation, no extension of city services or infrastructure will be required. All city utilities are currently provided to the site and Maryville Public Safety already assists other agencies with law enforcement and provision of fire services.

Additional revenue estimates resulting from the annexation were as follows:

**REAL & PERSONAL PROPERTY TAX**

<u>Entity/Fund</u>	<u>Real Property Tax</u>	<u>Personal Property Tax</u>	<u>Rate</u>
City General Fund	\$ 10,936.82	\$ 23,958.96	0.003412
MPR	\$ 9,616.20	\$ 21,065.91	0.003000
Debt Retirement Fund	\$ 4,417.04	\$ 9,676.27	0.001378
Library	\$ 4,942.73	\$ 10,827.88	0.001542
Polk Fire	<u>(\$ 4,958.75)</u>	<u>(\$ 10,862.99)</u>	12/31/14 <i>Amnt</i>
<b>Total</b>	<b>\$ 24,954.04</b>	<b>\$ 54,666.03</b>	

**SALES TAX**

Kawasaki Motors Manufacturing Corp., U.S.A. has a direct pay agreement with the Missouri Department of Revenue. A direct-pay agreement requires a taxpayer to accrue and pay tax on all its purchases directly to the department instead of the seller. A purchaser with a direct-pay agreement must accrue and pay all taxes based upon the purchaser’s place of businesses. The purchaser must file returns and pay tax monthly.

Voluntary Annexation into the Maryville corporate limits will require Kawasaki to pay an additional 2.25% in sales tax on all taxable purchases. Based on the previous 12 months, the company had \$4,045,354.25 in taxable purchases which would result in an additional \$91,020.47 in sales tax revenue.

<u>Entity/Fund</u>	<u>Sales Tax</u>	<u>Rate</u>
City General Fund	\$ 40,453.54	1.0 %
MPR	\$ 5,056.69	0.125 %
Debt Retirement Fund	\$ 5,056.69	0.125 %
CIP	\$ 20,226.77	0.5 %
Mozingo	<u>\$ 20,226.77</u>	0.5 %
<b>Total</b>	<b>\$ 91,020.47</b>	

Based on the estimates provided, the total additional revenue for the City of Maryville is \$134,952.88, Maryville Parks and Recreation is \$35,738.80, and the Maryville Public Library is \$15,770.61 annually. The annexation will result in \$15,821.74 annually less for Polk Township Fire District; however the property will continue to be served by Maryville Public Safety and Polk Township Volunteers.

Staff recommended to the City Council to approve the proposed ordinance annexing certain real estate located along Business Highway 71 owned by Kawasaki Motors Manufacturing Corp., U.S.A.

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. 2014’135 Council to approve the proposed ordinance annexing certain real estate located along Business Highway 71 owned by Kawasaki Motors Manufacturing Corp., U.S.A. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7700 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO ACCEPT A DEED FROM THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND DEDICATING PUBLIC RIGHT-OF-WAY**

The City Clerk presented a bill, Bill No. 2014’136 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED FOR A CERTAIN TRACTS OF LAND AND DEDICATING SAID TRACTS FOR PUBLIC RIGHT-OF-WAY PURPOSES, MARYVILLE, MISSOURI**

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

Negotiations for the maintenance transfer also resulted in MoDOT agreeing to asphalt mill and overlay 1<sup>st</sup> Street between Main and Depot in 2014. While MoDOT is only financially obligated to overlay the traffic lanes, MoDOT allowed the City to utilize STP-Small Urban funds for the City's portion which provides for 80/20 financing of projects along roadways in MoDOT's classification system. On December 23, 2013 the City Council approved a Cost Apportionment Agreement with MoDOT outlining the financial responsibilities for the improvement. According to the agreement, and with the utilization of STP-Small Urban funds, the City of Maryville was responsible for \$7,774.90 on the project. MoDOT completed the asphalt overlay of First Street this summer.

On April 14, 2014, the City approved a Road Relinquishment Agreement with the Missouri Highways and Transportation Commission through Ordinance No. 7611. Section (3) of the Road Relinquishment Agreement states "*the Commission shall convey by quitclaim deed, to the Agency the portion of the State Highway which is the subject of this Agreement and identified on Exhibit A and B. The Agency agrees to accept the deed from the Commission.*"

The Quitclaim Deed has been executed by the Missouri Highways and Transportation Commission and provided to the City for acceptance. Upon acceptance, the proposed ordinance dedicates the tracts of land as public right-of-way. The sections of land include Main Street from 1<sup>st</sup> Street to 3<sup>rd</sup> Street, 3<sup>rd</sup> Street from Main Street to Depot Street, and Depot Street from 3<sup>rd</sup> Street to 1<sup>st</sup> Street.

There would be no immediate financial impacts for maintenance. Financial impacts for long-term maintenance of the transfer were discussed and accepted with the Maintenance Agreement in September 2013.

Staff recommended approval of the proposed ordinance to accept a deed from the Missouri Highways and Transportation Commission for certain tracts of land and dedicating said tracts as public right-of-way. Acceptance of the deed was authorized in the Road Relinquishment Agreement and allowed for the overlay of First Street and transfer of maintenance responsibilities.

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 accept a deed from the Missouri Highways and Transportation Commission for certain tracts of land and dedicating said tracts as public right-of-way. 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. 7701 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO ADOPT SECTION 115.296: CHILDREN AND FAMILY CENTER OF NORTHWEST MISSOURI SURCHARGE OF THE MUNICIPAL CODE OF MARYVILLE**

The City Clerk presented a bill, Bill No. 2014'137 for an ordinance entitled:

**AN ORDINANCE TO ADOPT SECTION 115.296: CHILDREN AND FAMILY CENTER OF NORTHWEST MISSOURI SURCHARGE, TITLE I: GOVERNMENT CODE, CHAPTER 115: MUNICIPAL COURT OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI.**

On December 8, 2014, Nodaway County Prosecutor Robert Rice requested the City Council consider an ordinance to impose a \$4.00 surcharge per each municipal court case for the Children and Family Center of Northwest Missouri. Section 488.607 RSMo allows for the governing body of any county or city having a shelter for victims of domestic violence provide

for an additional surcharge in an amount of up to four dollars (\$4.00) per each criminal case, including violations of any county or municipal ordinance, for the purpose of providing operating expenses for shelters and battered persons. Prior to House Bill 1238 approved on August 28, 2014, Section 488.607 RSMo allowed for up to \$2.00 for this purpose; however Maryville has never imposed the surcharge.

The Children and Family Center of Northwest Missouri provides a safe shelter and a nurturing environment for individuals and families who have experienced abuse. The organization provides services and serves the victims of domestic violence and sexual assault and provides community education in the five counties of Northwest Missouri. The counties served include Nodaway, Atchison, Holt, Gentry and Worth. The proposed four dollars (\$4.00) surcharge based on municipal court cases in 2013 (1,611) would result in an additional six thousand four hundred forty-four dollars (\$6,444), for the center.

Current court costs, aside from violation fines, are \$31.50. The fees include the Court Clerk Fee (\$12.00), Crime Victims Compensation Fund (\$7.50), Police Officer Standards Training-State (\$1.00), Law Enforcement Training-Municipal (\$2.00), Inmate Security Fund (\$2.00), and Court Automation (\$7.00). Driving While Intoxicated and similar cases may require a breathalyzer test adding an additional \$75.00.

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

Motion was made by Councilwoman Martin, seconded by Councilman Riggs, to approve Council Bill No. 2014'137.

Following a brief discussion, a motion was made by Councilman Riggs, seconded by Councilwoman Martin, to table Council Bill 2014'137 until the City Council meeting to be held on January 12, 2015, to include Councilman Funston and Councilman Shipley in the discussion and decision making process. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilwoman Martin, yea; Mayor Riedel, yea; Motion carried.

**AN ORDINANCE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH RURAL POLK TOWNSHIP FIRE PROTECTION DISTRICT FOR THE PURCHASE OF COMMUNICATION EQUIPMENT**

The City Clerk presented a bill, Bill No. 2014'138 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH RURAL POLK TOWNSHIP FIRE PROTECTION DISTRICT FOR THE PURCHASE AND INSTALLATION OF COMMUNICATIONS EQUIPMENT, MARYVILLE, MISSOURI**

Several years ago during a separate communications improvement effort the City of Maryville separated Police and Fire communications and frequencies. Prior to this improvement, the frequency was shared through a base transmitter located in the basement of City Hall and an antenna on the roof. The transmitter control panel operated remotely from Public Safety via an expensive dedicated phone line looping system. At that time, the new police frequency was moved to the Edwards Street Water Tower with the installation of a new radio repeater. While the installation hasn't resolved all communication issues, police communications have improved dramatically.

A radio repeater effectively takes a signal transmitted and amplifies it at a stronger signal. Weak signals that may not be strong enough to travel across town at lower elevations (portable to portable), have a better chance of hitting the new antenna on top of the water tower to have its signal strength boosted before re-transmitting to reach the intended target. The issue of weak signals has become more problematic over the last several years due to FCC mandated narrow bands and the construction of the Nodaway County Administration Building. The current antenna utilized for the Fire Division is on the roof of City Hall and has several line of sight challenges. Along with elevation, it is noteworthy that a radio technician has examined the antenna on top of City Hall and deemed it unsafe to climb due to deteriorating guy wire anchors in the masonry.

The proposed ordinance approves a Memorandum of Understanding (MOU) with Rural Polk Township Fire Protection District for the joint purchase of a new radio repeater to be installed on the South Water Tower. The District shares the same frequency as our Fire Division through our automatic aide agreement for response and has agreed to share the cost of the purchase. If approved, the District will purchase a Kenwood P25/vhf/50w/512ch and a Q2220E Duplexer and the City will reimburse the District half for the project.

The MOU provides for a reimbursement to Rural Polk Township Fire Protection District in a not to exceed amount of Five thousand five hundred twenty dollars (\$5,520.00) for the purchase of communications equipment. The FY 2015 Budget includes six thousand five hundred dollars (\$6,500.00) for the project. The total cost of the project is eleven thousand forty dollars (\$11,040.00).

After approval of the purchase, the agencies will be tasked with a time consuming frequency coordination phase of the project. It should take three (3) to four (4) months of FCC related paperwork and frequency coordination before the hardware installation can occur.

City Staff recommended approval of the proposed ordinance to execute a Memorandum of Understanding with Rural Polk Township Fire Protection District for the purchase of communications equipment.

The Public Works Department continues to utilize the antenna on City Hall for communications. After the latest inspection, the department will begin analyzing the need to relocate their repeater as well and facilitate the removal of equipment from the roof of City Hall.

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 the proposed ordinance to execute a Memorandum of Understanding with Rural Polk Township Fire Protection District for the purchase of communications equipment. 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.

Said bill was then identified as Ordinance No. 7702 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. 2014-82.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH CK POWER FOR THE EMERGENCY REPAIR TO A GENERATOR AT THE MARYVILLE WATER TREATMENT PLANT**

The City Clerk presented a bill, Bill No. 2014'139 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH CK POWER FOR THE EMERGENCY REPAIR OF A GENERATOR AT THE MARYVILLE WATER TREATMENT PLANT, MARYVILLE, MISSOURI**

The backup generator at the Maryville Water Treatment Plant has experienced maintenance issues for the last several months. CK Power has been onsite working to address the problem and has performed various repairs throughout the year. Within the past forty-five (45) days, the generator has become inoperable and staff has not been able to run the generator as needed in the case of a power outage. Staff has worked with CK Power to diagnose the issues and has scheduled the emergency repair for the week of Monday, December 22, 2014.

A quote for emergency repair has been provided by CK Power in an amount of five thousand two hundred eighty-five dollars (\$5,285.00). Section 150.090 (G) of the Municipal Code of Maryville states "*Proposals and competitive bid requirements may be waived, upon the City Manager approval, if the items can only be acquired from a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered.*" Staff considers this item emergency in nature and that the quote is adequate.

The repair expense is not included in the FY 2015 Budget; however significant reserves are available in the Water/Sewer Fund for this purpose.

Staff recommended approval of the proposed ordinance to execute a contract with CK Power for the emergency repair to a generator at the Maryville Water Treatment Plant in an amount not to exceed of five thousand two hundred eighty-five dollars (\$5,285.00). In order to ensure proper water production in the case of a power failure due to unforeseen elements or winter weather, with the repair quote from CK Power.

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, execute a contract with CK Power for the emergency repair to a generator at the Maryville Water Treatment Plant in an amount not to exceed of five thousand two hundred eighty-five dollars (\$5,285.00). Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilwoman Martin, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7703 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. 2014-84.

**AN ORDINANCE TO EXECUTE A WEB DEVELOPMENT AGREEMENT WITH HUE LABS FOR THE PURPOSE OF REDESIGNING THE MOZINGO LAKE RECREATION PARK WEBSITE**

The City Clerk presented a bill, Bill No. 2014'140 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A WEB DEVELOPMENT AGREEMENT WITH HUE LABS FOR THE REDESIGN OF THE MOZINGO LAKE RECREATION PARK WEBSITE, MARYVILLE, MISSOURI**

The City of Maryville released a Request for Proposals (RFP) on November 10, 2014 for the redesign of the Mozingo Lake Recreation Park website, [www.mozingolake.com](http://www.mozingolake.com). The RFP submittal period ended on November 28, 2014 and the City received a total of nine (9) responses for the website redesign.

As stated in the RFP, a critical component of the website redesign is to implement a fully functional two (2) way online reservation system. The initial use of the reservation system will be for the cabins, 20 reservable RV spaces, 13 reservable RV equestrian campground spaces, shelters, and boat slips. It is also critical that any website redesign be attractive, user friendly and easy for staff to maintain, update, and expand as needed.

Staff distributed copies of the RFP submittals for review and ranking to approximately nine (9) individuals, consisting mostly of staff members. Following the review period, staff conducted phone interviews with the top three (3) candidates. Following the interviews, staff recommends entering into a contact with Hue Labs of Reno, Nevada. This is an extremely technical project dealing with software compatibility, ecommerce and incorporating an online reservation system, point-of-sale system, and tee time reservation capabilities. Following several conference calls with Hue Labs and review of previous work they have completed, staff is confident that the firm will produce a fantastic product within budget.

Hue Labs has stated that if they are awarded the contact, they will be traveling to Maryville to meet with staff the first week of January to begin work on the project. It is anticipated that the project timeline for the website redesign is three (3) months. This would put the completion of the project around March or early April, which is in time to address the needs of the peak use season for the park and reservations.

As the amenities of Mozingo have increased in popularity, particularly the cabin, the amount of time required of staff to process reservations has steadily increased. It has become a full-time job to handle all of the requirements of the reservations. Additionally, the use of social media and having an online presence has become essential to the operations of Mozingo and the goal of marketing Mozingo as a regional destination. While Mozingo currently has a website, it is a one-dimensional website and essentially serves as an information portal. Updating the website so that it is able to not only serve as a marketing tool for operations, but to also have a fully integrated, custom two-way reservation system will greatly improve the functionality of the website and create a significant efficiency

The Fiscal Year 2015 (FY15) Budget has a budgeted line item of \$25,000 for the redesign of the Mozingo website, including the development and implementation of a reservation system in the Mozingo Recreation Fund. Hue Labs has proposed a fee of \$24,000 for the completion of the project in the three (3) month time frame.

Staff recommended approval of the proposed ordinance to execute a Web Development Agreement with Hue Labs for the Redesign of the Mozingo Lake Recreation Park website, in an amount not-to-exceed twenty-four thousand dollars (\$24,000). Following several phone interviews and review of previous work completed, staff is confident in the services that can be provided by Hue Labs for the Mozingo website redesign, implementation of an online reservation system, and installation of other interactive features for [www.mozingolake.com](http://www.mozingolake.com). The proposed project is within budget, directly referenced in the Mozingo Master Plan, and tied to a FY 2015 adopted Council Goal.

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 execute a Web Development Agreement with Hue Labs for the Redesign of the Mozingo Lake Recreation Park website, in an amount not-to-exceed twenty-four thousand dollars (\$24,000), contingent upon an inclusive defined deadline dates being added to the contract executed, to ensure completion of the project by early spring. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7704 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, 2014-84.

**AN ORDINANCE TO EXECUTE A CONTRACT WITH RJ THOMAS MFG, INC., FOR PILOT ROCK PICNIC TABLE FRAMES FOR MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2014'141 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH RJ THOMAS MFG, INC. FOR THE PURCHASE OF PILOT ROCK PICNIC TABLE FRAMES FOR MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI**

Mozingo Lake Recreation Park has over 200 picnic tables of which many have fallen into disrepair or are in need of replacement. Staff has proposed a multi-year process of replacing several picnic tables annually with a much sturdier picnic table frame than has been used in the past. Staff recently requested quotes for picnic table frame replacements using the specifications for an 8-foot heavy duty frame, normal table height of thirty inches (30”), normal seat height of eighteen inches (18”), and galvanized steel frame components. Quotes were received for the purchase of thirty-two (32) picnic tables by RJ Thomas MFG, Inc. – five thousand three hundred seventy-three and 80/100 dollars (\$5,373.80); Kay Park and Recreation – five thousand six hundred ninety-six and 40/100 dollars (\$5,696.40); and Belson Outdoors – seven thousand three hundred seventy-nine and 98/100 dollars (\$7,379.98).

The apparent low bidder is RJ Thomas MFG, Inc. of Cherokee, Iowa for PILOT ROCK tables with specifications as follows: *including, heavy duty frame, steel frame components are hot-dip galvanized after fabrication to ASTM-A123 to maintain an average zinc coating of 2.0 oz per sq. ft. of surface area, end frames are one-piece welded constructions, fabricated from 2.375" O.D., steel pipe to meet two inch (2") nominal steel pipe size specifications with 2"x 2" x 3/16" A-36 structural grade steel angle for attaching the seats and tops. Table frame design incorporates non-tip, non-trip, and walk-through design features. Bends are tightly formed to prevent tipping when weight is on one side.*

The FY 2015 Budget includes ten thousand dollars (\$10,000) for picnic table replacements in the Mozingo Recreation Fund. The low bid of five thousand three hundred seventy-three and 80/100 dollars (\$5,373.80) will allow for the additional purchase of lumber needed for the tables, as well as the replacement of several fire rings within the RV campground area.

Staff recommended approval of the proposed ordinance to execute a contract with RJ Thomas MFG, Inc. for PILOT ROCK picnic table frames in an amount not-to-exceed five thousand three hundred seventy-three dollars and 80/100 dollars (\$5,373.80). The contract will allow for the purchase of thirty-two (32) heavy duty frames as the first phase of the replacement initiative.

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 the proposed ordinance to execute a contract with RJ Thomas MFG, Inc. for PILOT ROCK picnic table frames. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7705 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, 2014-85.

**APPOINTMENT OF TARYAN HENRY TO THE POSITION OF CITY ATTORNEY**

The City Attorney represents the City of Maryville in legal matters, advises and renders legal opinions to the City Council, City Manager, and departments on legal matters affecting the city and its operation, policies and procedures. The duties of the City Attorney are further described as follows:

- Attendance at all regular meetings of the Council and at adjourned and special meetings upon request of the City Manager and/or Council. Regular meetings of the City Council are held the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at 7:00 p.m.
- Draft all ordinances, resolutions, contracts, and other legal forms and documents required in the ordinary course of City business.
- Availability to represent the City in any suite or action at law or in equity brought by or against the City.
- Give legal advice to the Mayor, Councilmembers, City Manager, City Clerk, and other officers and departments under control of the City Manager. City Boards and Committees will obtain legal advice from the City Attorney through the City Manager.
- Provide all other ministerial duties as may be prescribed by Ordinance or may be directed by the City Council and/or City Manager.

City Attorney Doug Thomson has been elected Nodaway County Associate Circuit Judge and no longer will provide legal services to the City of Maryville beginning January 1, 2015. On December 2<sup>nd</sup>, the City released a notice to interested parties requesting Letters of Interest for the position. Letters of Interest were due Tuesday, December 16<sup>th</sup> at 2:00 p.m. Three (3) letters were received from Taryn Henry (Maryville), Dan Smith (Rockport), and Tina Deiter (Maryville).

According to the Section 105.110 (C) of the Municipal Code of Maryville, the compensation of the City Attorney shall be established at an hourly rate for all legal services as set out by the City Manager. Historically, the compensation has been in a range of \$100-150 per hour and has an average of thirty (30) billable hours per month. Funds for legal services are included in the FY 2015 Budget.

Per Section 105.110 (A) of the Municipal Code of Maryville, the City Attorney shall be appointed by the City Manager for an indefinite term, subject to confirmation by the City Council. Once the appointment is confirmed, the City Attorney will execute a Letter of Understanding outlining duties and compensation. The Letter of Understanding includes termination language by either party with a thirty (30) day notice.

After review of interested parties, the City Manager requested confirmation of the appointment of Taryn Henry to the position of City Attorney for an indefinite term, subject to an executed Letter of Understanding. Mrs. Henry came highly recommended and has a successful history of satisfied clients.

Motion was made by Councilwoman Martin, seconded by Councilman Riggs, to appoint Taryn Henry as the City Attorney. Upon roll being called, the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea; Motion carried.

#### **APPOINTMENT OF J. PATRICK MCLAUGHLIN TO THE POSITION OF CITY PROSECUTING ATTORNEY**

The City Prosecuting Attorney represents and defends the City of Maryville on all actions in Municipal Court. Per the Municipal Code of Maryville, the City Prosecuting Attorney shall be appointed by the City Manager for an indefinite term, subject to confirmation by the City Council. The duties of the City Prosecuting Attorney are as follows:

- Represent and defend the City on all actions in Municipal Court.
- Prosecute all cases on behalf of the City when Municipal Court cases are transferred from Municipal Court because of jury trial demand, change of Judge or other procedure.
- Represent the City on all appeals taken from an action commenced in Municipal Court.
- Give legal advice to Law Enforcement Officers, Mayor, City Councilmembers, City Manager, and City Clerk in connection with prosecutions or potential prosecutions for violations of City Code.
- Perform all such other ministerial duties as may be prescribed by Ordinance or ordered by the City Council or City Manager.

For the last thirty-five (35) years, J. Patrick McLaughlin has been appointed as City Prosecuting Attorney and served admirably in the position. With the election of City Attorney Doug Thomson as Nodaway County Associate Circuit Judge and the impending vacancy of the position, staff began analyzing the potential of a Joint City Attorney/City Prosecuting Attorney position. Some municipalities similar to Maryville in size can find efficiencies in combining these positions. On December 2, 2014, the City released a notice to interested parties requesting Letters of Interest for the position. Letters of Interest were due Tuesday, December 16, 2014 at 2:00 p.m. Three (3) Letters of Interest were received from Taryn Henry (Maryville), Dan Smith (Rockport), J. Patrick McLaughlin (Maryville).

According to the Section 115.160 (C) of the Municipal Code of Maryville, the compensation of the City Prosecuting Attorney shall be established at an hourly rate for all legal services as set out by the City Manager. Under the previous City Manager, compensation was amended to a flat fee structure of two thousand dollars (\$2,000) per month. Funds for legal services are included in the FY 2015 Budget.

Per Section 115.160 (A) of the Municipal Code of Maryville, the City Prosecuting Attorney shall be appointed by the City Manager for an indefinite term, subject to confirmation by the City Council. Once the appointment is confirmed, the City Prosecuting Attorney will execute a Letter of Understanding outlining duties and compensation. The Letter of Understanding includes termination language by either party with a thirty (30) day notice.

After review of interested parties, the City Manager hereby requests confirmation of the reappointment of J. Patrick McLaughlin to the position of City Prosecuting Attorney for an indefinite term, subject to an executed Letter of Understanding. Mr. McLaughlin has served as City Prosecuting Attorney since 1979.

Motion was made by Councilwoman Martin, seconded by Councilman Riggs, to re-appoint J. Patrick McLaughlin as the City Prosecuting Attorney. Upon roll being called, the vote was as follows: Councilman Riggs, yea; Councilwoman Martin, yea; Mayor Riedel, yea; Motion carried.



Over the course of the next year, staff will continue analyzing the benefits and concerns with a Joint City Attorney/City Prosecutor Position.

## REPORTS

### I. STUDENT LIAISON

- *Unavailable for Report*

### II. CITY MANAGER

- **4th Street Improvement Project, Phase I** - Orr Wyatt Streetscapes continues to make significant progress on the 4th Street Improvement Project, Phase I despite colder temperatures. The contractor continues to work on waterline installation and minor concrete pours when weather permits. On Tuesday, December 9th, Orr Wyatt Streetscapes installed the entryway feature at the intersection of 4th Street and Buchanan. The entryway sign brands the corridor as the gateway to Northwest Missouri State University and signifies the tie to downtown Maryville. Once completed, branding fixtures will be bolted to the structure and column bases will be wrapped in decorative brick. If significant winter weather continues to hold off, the project should be gearing up for landscaping, branding elements, and asphalt in early spring.
- **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. On Tuesday, December 16th, the City was notified that it was awarded \$24,750.00 from the Missouri Housing Development Corporation (MHDC) for this purpose. The City requested \$100,000 in funding; however funds were limited and staff anticipated not receiving an award from this request. The funding will allow for the repair of one or two structures in Maryville that meet income and property guidelines. There is no local match outside general staff expenses for performing all inspections and grant administration on the project.
- **Compensation Study Request for Proposals (RFP)** – The City of Maryville is requesting proposals from consulting firms to conduct a city-wide Classification and Compensation Study. The purpose of the study is to address changes in city operations and staffing over the last several years, which may have affected the type, scope, and level of being performed and the appropriate compensation for each position. Determining appropriate compensation for each position will not only assist with retaining current employees, but assist in the recruitment of the most qualified candidates for position vacancies. Responses to the RFP are due Monday, January 16, 2015 by 4:00 p.m. It is anticipated that staff will present a firm for council consideration at the January 26, 2015 meeting. According to the RFP, all services on the project must be complete by July 1, 2015 in preparation of the FY 2016 Budget.
- **City Employee Retirement** – Part-time Assistance Equipment Technician Bob Horn retired from Mozingo Lake Recreation Park's Maintenance Division on December 10th. Bob focused has focused on Golf Maintenance equipment since May 17, 1999 and was primarily responsible for ensuring all fifty (50) golf carts in the fleet were operational. In addition, he also performed oil changes and routine maintenance services for forty (40) mowers and trucksters, as well as the reel sharpening for forty-one (41) reel to bed-knife cutting units every week. At 86 years young, Bob's work ethic was beyond reproach. Bob arrived to work early every day and hit the ground running. If Bob's job duties were satisfied, he would tidy up the shop or scout the equipment storage buildings for low tires or dead batteries. Bob's hard work and dedication was an inspiration to all who worked with him and he will be missed. The City of Maryville wishes him a relaxing and enjoyable retirement.
- **City Hall Holiday Closings** – City Hall will be closed beginning Wednesday, December 24th at noon and will remain closed Thursday, December 25 and Friday, December 26, 2014, for the Holidays. The historical volume of visitors to City Hall during these times and staffing vacation leave, makes remaining open problematic during this time. City Hall will reopen Monday, December 29th at 8:00 a.m.
- **Golf Tournaments at Mozingo Lake Recreation Park** - Mozingo Lake Recreation Park Golf Course has secured four (4) new tournaments for the upcoming 2015 season. All four of these tournaments provide great exposure for Mozingo Lake Recreation Park and provide a boost to the local economy as well. The tournaments are as follows:
  - Waldorf College Invitational (April 26-28, 2015): Waldorf College out of Forest City, Iowa will be holding a men's and women's three-day invitational tournament. This tournament will feature a minimum of ten (10) teams and around 200 players for a three-day tournament. Waldorf College is located in northern Iowa and they participated in the Graceland University tournament this past year. Waldorf enjoyed the experience and location so much they have decided to host their own tournament at Mozingo and are exploring the possibility of holding a conference tournament at Mozingo as well.

- Break 80 Challenge (June 14, 2015): This event is for senior amateurs and is a series of competitive tournaments for a championship. Senior amateur players from Missouri and Kansas compete and qualify at various sites around Missouri and Kansas for a chance to play in the final tournament in the Ozarks. The organizer for this event found Mozingo from the online ranking and reviews of the Mozingo golf course on GolfNow.com and the Mozingo Lake Recreation Park website. The Mozingo golf course was chosen for its difficulty and quality of golf course. This event is expected to host between 40-60 players.
- Pro Pro PGA Tournament (June 22, 2015): This tournament was part of a competitive bid process and Mozingo Golf Course was selected as the winner. The Pro Pro tournament is a PGA (Professional Golfers Association) sponsored event for Professional golfers in the Midwest Section. The PGA Midwest Section includes the areas of Missouri, Kansas, and portions of Iowa, Nebraska, and Illinois. Golfers in this event must be a certified PGA professional.
- MGA Seniors Event (September 22, 2015): The Missouri Golf Association (MGA) has selected Mozingo to host one of their popular senior series tournaments. MGA senior members from across the state of Missouri participate in the series while gaining points according to their finish at events throughout the year. MGA awards honors to ranking golfers at the end of the season. This was another competitive bid tournament and the MGA Executive Director contacted Head Mozingo Golf Pro Kyle Easter last to notify and said that the MGA Board of Directors held their winter meeting last week and were excited about bringing an event to Mozingo. An 18-hole event is scheduled for the morning at Mozingo and an afternoon competition will be held on the Tom Watson designed 9-hole golf course. Average golfer attendance at a MGA tournament is around one hundred seventy (170) players.
- *Trade Shows Destinations for Mozingo Lake Recreation Park* - Mozingo staff will be attending four (4) regional trade shows this winter to increase the exposure and marketing of Mozingo Lake Recreation Park. The shows that staff will be attending are as follows:
  - Des Moines Boat and Outdoor Show (January 9-11, 2015)
  - Kansas City Mid-American RV Show (January 15-18, 2015)
  - Kansas City Golf Show (February 6-9, 2015)
  - Omaha Sport Show (February 19-21, 2015)

**COUNCIL**

- Councilman Riggs recommended that the City entertain the idea of holding a Liquor By the Drink Liquor License at the Mozingo Lake Recreation Park Golf Course.
- City Council Members expressed their appreciation of the time that Doug Thomson served as City Attorney and wished him well in his new position as Circuit Court Judge, beginning in January 2015.

**ADJOURNMENT**

Motion was made by Councilwoman Martin seconded by Councilman Riggs, that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilwoman Martin, yea; Councilman R i g g s , yea; Mayor Riedel, yea. Motion carried.

Meeting was adjourned at 7:50 p.m.

\_\_\_\_\_  
Renee Riedel, Mayor

ATTEST:

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Sheila Smail, City Clerk