

**Maryville City Council**  
**Regular Scheduled Meeting**  
July 13, 2015  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 13, 2015, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING: PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 800 AND 802 NORTH WALKNUT STREET, OWNED BY CURT TOBIN**

Mayor Riedel opened the Public Hearing for a proposed amendment of Ordinance No. 7609, a Planned Unit Development of property owned by Curt Tobin, located at 507 and 509 West 8<sup>th</sup> Street and 804 and 806 North Walnut Street and 814 and 816 North Walnut Street.

Any persons wishing to speak were asked to stand and state their name and address for the records prior to making statement about the public hearing subject. No persons appeared to be heard.

Mayor Riedel closed the Public Hearing.

**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, Timothy Shipley and Jason McDowell. Council Member Gerald Riggs was absent. Others present were City Manager Greg McDanel; Asst., City Manager Ryan Heiland; City Attorney Taryn Henry; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; Student Liaison Hannah Sears and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Riedel.

**INVOCATION**

Councilman Shipley 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 McDowell, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, 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 June 22, 2015 and a Council/Staff Workshop on June 22, 2015, be noted at this time.

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

**CITIZENS TO BE HEARD**

Mayor Riedel welcomed citizens and stated this the time for persons to address the Council on items not on the agenda. Any persons wishing to speak were requested to stand and state their name and address for the record.

Lisa Distefano, 1014 Gard Street, stated that she had received a letter from the City's Code Enforcement Officer Jim Wiederholt, which identified code violations on her property and asked that they be removed from her property. The code violations included flower pots on the side of the house and trim pieces missing from the door.

MS Distefano stated that the neighbor's son-in-law complains to the city because the house next door is on the market to be sold.

City Manager McDanel stated that Code Enforcement Officer Wiederholt was out of the office that day, so he was unable to speak with him regarding the content of the letter sent. City Manager McDanel will speak with him and a staff member will contact MS Distefano.

**STREET CLOSURE FOR GRAND OPENING/CAR SHOW, AUG. 1, 2015, BY MEYER AUTO CENTER**

In the spring of this year, Boyles Motors sold their car dealership, and is now known as Meyer Auto Center.

An application was submitted requesting permission to close the 200 Block of North Market Street (excluding intersections), to hold a Grand Opening celebration and car show on Saturday, August 1, 2015 from 10:00 a.m. until 2:00 p.m.

The signed Hold Harmless and Indemnification Agreement has been submitted along with the required Certificate of Liability Insurance, naming the City of Maryville as an additional insured.

Staff recommended approval of the request to close the 200 Block of North Market Street (excluding intersections), to hold a Grand Opening celebration and car show on Saturday, August 1, 2015 from 10:00 a.m. until 2:00 p.m.

Motion was made by Councilwoman Martin, seconded by Councilman McDowell, request to close the 200 Block of North Market Street (excluding intersections), to hold a Grand Opening celebration and car show on Saturday, August 1, 2015 from 10:00 a.m. until 2:00 p.m. Upon roll being called, the vote was as follows: Councilwoman Martin, yea; Councilman Shipley, yea; Councilman McDowell, yea; Mayor Riedel, yea. Motion carried.

**REQUEST SPECIAL EVENT PERMIT HELD AT MOZINGO LAKE RECREATION PARK, JULY 24, 25, 26**

Approval for a Special Event to be held at Mozingo Lake Recreation Park on July 24, 25, 26 was requested by the City of Maryville on behalf of multiple vendors. The requested location for the event is Mozingo Lake Recreation Park with events occurring in multiple areas throughout the park.

The requested Special Event is the 20<sup>th</sup> Anniversary Celebration of Mozingo Lake Recreation Park. This year marks the 20 year anniversary of the opening of amenities within Mozingo Lake Recreation Park. Since 1995, the park has continued to transform itself into the premier outdoor recreation destination in the region. To commemorate park growth and continued community support, a weekend-long celebration has been planned Friday, July 24 through Sunday, July 26, 2015. A schedule of events was provided and includes the following:

**Friday, July 24th**

- 7 p.m. – Beach Party: Come celebrate various improvements to the Beach at Mozingo with free pizza, games, and giveaways
- 9 p.m. – Outdoor Movie: View a showing of the 1995 hit movie **Jumanji**, Sponsored by Citizens Bank & Trust.

## Saturday, July 25th

- **7 a.m. – 5 p.m. – Hole-in-One Contest:** In addition to throwback golf course prices for the day, players will have the chance to win a new 2015 Ford Fiesta SE Hatchback if they can sink a hole-in-one on selected holes. A \$5 contest fee will be required to enter, however all proceeds go to the Junior Golf Foundation. Sponsored by Tri-State Ford Lincoln of Maryville.
- **8:00 a.m. – Youth Fishing Tournament:** A youth fishing tournament will be held at the City Boat Ramp beginning at 8:00 a.m. The tournament is free to all children who wish to participate. The youth will fish from the shoreline and the best catches of the day win prizes! Sponsored by Optimist Club of Maryville.
- **8:30 a.m. – Kids Dash & Splash:** The Kids Dash & Splash Trail Run includes music, obstacles, and water activities for the participants. The run is approximately one (1) mile and is designed for kids 12 and under. Onsite registration begins at 8 a.m. Sponsored by the Source Medical Clinic.
- **9 a.m. – Mozingo Run 5k:** The Mozingo Run 5k is a family fun event celebrating Mozingo's 20th anniversary. The 5k race begins and ends at The Point and pre-registration is recommended. 5k race fees are \$25 for adults and \$15 for children, 15 and under, which includes a t-shirt if registered before July 10, 2015. Sponsored by The Source Medical Clinic.
- **11 am. – 1 p.m. – MOERA Open House:** Several demonstrations of outdoor activities and amenities will be provided. Sponsored by Northwest Missouri State University.
- **12 p.m. – 6 p.m. – BBQ Contest:** Categories are Beef Brisket, Pulled Pork, or BBQ Beans. Test your skills in a BBQ competition at the Point as a part of the 20th anniversary celebration. Winner of each category will receive a trophy. Simply want to taste? BBQ will be sold at \$5 a plate following the judging at 5:30 p.m. Sponsored by First Presbyterian Church of Maryville.
- **1 p.m. to 5 p.m. – Mud Volleyball Tournament:** Get a team together and come enjoy us for a unique mud volleyball experience in our custom built courts near the City Boat Ramp. Prizes will be provided to the winning teams following the first-ever tournament at Mozingo.
- **2 p.m. – Little Mr. & Miss Mozingo Contest:** Have an adorable little one that should be crowned the first-ever Mr. or Miss Mozingo? Several categories will allow for children to get on stage for a unique family friendly experience. Sponsored by A Thousand Words Photography.

- **3 p.m. – 9 p.m. – Family Fun Zone:** Numerous inflatables, games, face painting, and sidewalk art will be available.
- **3 p.m. – 9 p.m. – Food & Beverage Vendors:** Numerous food and beverage vendors will be onsite, including Hy-Vee, Burny’s Sports Bar, and The Palms just to name a few.
- **4 p.m. – 9:30 p.m. – Live Music:** Three outstanding bands will be featured on stage at the 20th Anniversary event. They are:
  - **4 p.m. – Boulevard:** performs hits from 80’s pop to current radio chart toppers.
  - **6 p.m. – Tyler Folkerts and the Double Barrel Band:** set list consisting of fast paced, fan favorite, current country hits to George Strait, .38 Special, Garth Brooks and the Nitty Gritty Dirt Band.
  - **8 p.m. – The Mixtapes:** Celebrate the music that was likely playing during the development and construction of Mozingo. The Mixtapes of Springfield, MO, are a premier level 90’s tribute band playing all the favorite radio hits from a great decade of music.
- **9:30 p.m. – Proclamation:** Mayor Renee Riedel reads a proclamation commemorating 20 successful years.
- **9:45 p.m. – Fireworks Celebration:** A fireworks show at the point is scheduled wrap up the evening’s festivities. Sponsored by Kawasaki Motors Manufacturing, Maryville, PeopleService, Inc., White Cloud Engineering & Construction Company & Oak Pointe Assisted Living & Memory Care.

**Sunday July 26<sup>th</sup>**

- ***Roll Back Prices all-day***

For the event, the City will be rolling back prices to 1995 levels for July 24, 25, and 26, 2015 in honor of the 20<sup>th</sup> Anniversary. Funds for the events will be covered by a combination of donations, volunteers, and various Mozingo Funds, such as marketing. Prices for the weekend will be as follows:

- Primitive Tent Camping: \$3 per night / per tent
- RV Camping: \$10 per night
- Reserved RV Camping: \$10 per night
- Golf, 9 Holes with Cart: \$18 (\$12 without Golf Cart)
- Golf, 18 Holes with Cart: \$25 (\$18 without Golf Cart)

Funds utilized for the event will be a combination of remaining FY15 budget for advertising, Mozingo reserve funds, and various business donations.

The necessary Indemnification and Hold Harmless agreements and the required certificate of liability insurance have been provided by those vendors necessary to provide such documentation.

Staff recommended approval of the Special Event request at Mozingo Lake Recreation Park from 6:00 am, on July 24, 2015, until 11:59 p.m. on July 26, 2015.

Motion was made by Councilwoman Martin, seconded by Councilman McDowell to approve the special event request at Mozingo Lake Recreation Park for the 20<sup>th</sup> Anniversary Celebration. Upon roll being called, the vote was

as follows: Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

### **TREASURER'S REPORT**

Dir., Finance Denise Town reported that during the month of June 2015, the City received non-reoccurring funds from the Nodaway County Economic Development - NAP credits for the 4<sup>th</sup> St. Improvement Project (\$101,452.35); Northwest Missouri State University (NWMSU) - reimbursement of the 4<sup>th</sup> St. Improvement Project expenditures (\$45,228.49); NWMSU - reimbursements for the 4<sup>th</sup> St. Improvement Project expenditures (\$43,946.30) and Missouri Department of Transportation (MoDOT) - reimbursement request #5 for airport runway rehabilitation project (\$22,569.00).

Non-reoccurring disbursements for the month of June 2015 included payments to JVIation - engineering of the airport runway rehab project (\$14,122.72); Keller Construction – 4<sup>th</sup> St., Ray Ave., and N. Munn Ave. asphalt mill and overlay (\$108,870.00); Keller Construction – South Munn Ave asphalt mill and overlay (\$42,000.00); Jack Horner's Machine and Contractor Supply – trench roller for Water/Sewer Maint. (\$29,595.00); Holtman Masonry – Chlorine Building addition (\$24,600.00); David E. Ross – Wastewater Treatment Plant (WWTP) pay estimate #20 (\$496,999.84); David E. Ross – WWTP pay estimate #21 (\$268,894.89); HDR Engineering - WWTP engineering services (\$45,622.69); HDR Engineering - WWTP engineering services (\$42,369.36); Missouri Intergovernmental Risk Management Association (MIRMA) – annual insurance premium (\$368,462.00); MO Haug Communications – 11 digital radios for patrol units, (partial form grant) (\$11,220.00); Red Municipal & Industrial Equipment – sewer camera trailer unit (\$162,259.84); SB Wyatt Streetscape – 4<sup>th</sup> and Mulberry paving repairs (\$15,455.00); UMB Bank – Series 2013 water/sewer bonds semi-annual interest payment (\$229,473.75); UMB Bank – Series 2009 water/sewer bonds annual principal payment (\$365,000.00); UMB Bank – Series 2009 water/sewer bond semi-annual interest payment (\$28,334.38).

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

### **PAYMENT VENDOR SCHEDULE**

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

### **AN ORDINANCE TO AMEND A PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT 507 & 509 W. 8<sup>TH</sup> STREET, 804 & 806 N. WALNUT STREET, AND 814 & 816 N. WALNUT STREET**

The City Clerk presented a bill, Bill No. 2015'65 for an ordinance entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO 7609, AMENDING A PLANNED UNIT DEVELOPMENT BY CURT TOBIN, LOCATED AT 507 AND 509 WEST 8TH STREET AND 804 AND 806 NORTH WALNUT STREET AND 814 AND 816 NORTH WALNUT STREET, MARYVILLE, MISSOURI.**

On March 19, 2014 the Planning & Zoning Commission met and recommended an approval of a Planned Unit Development (PUD) request from Curt Tobin for three separate duplexes at 8<sup>th</sup> and Walnut Street. The PUD was approved by the Maryville City Council and the two north duplexes have been built. Originally, the 3<sup>rd</sup> duplex was to face West Eighth Street. Mr. Tobin would like to amend his PUD to face this duplex toward North Walnut like the first two. The lots are located in an R-4 Multi-Family Zone and are part of the Campus Town Overlay.

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

The following shows the proposed duplex with allowed and proposed site regulators.

<b>Campus Town Overlay Site Regulators 800 &amp; 802 North Walnut Street</b>			
<b>Regulators</b>	<b>Allowed</b>	<b>Proposed</b>	<b>Code Compliant</b>
<b>Site Area</b>	2 x 4,000 sq. ft. 8,000 sq. ft.	9,062 sq. ft.	Yes
<b>Min. Lot Area</b>	8,000 sq. ft.	9,062 sq. ft.	Yes
<b>Min. Lot Width</b>	66 ft.	61.11 ft.	No
<b>Min. Yard Setbacks</b>	-	-	-
<b>Front*</b>	25 ft.	19 ft.	No
<b>Side</b>	7 ft.	6 ft.	No
<b>Street Side</b>	15 ft.	6 ft.	No
<b>Rear</b>	25 ft.	91 ft.	Yes
<b>Max. Height</b>	35 ft.	Approx. 25 ft.	Yes
<b>Max. Bldg. Coverage</b>	50%	1,592 sq. ft. = 17%	Yes
<b>Max. Impervious Coverage</b>	70%	4,352 sq. ft. = 47%	Yes
<b>Parking</b>	8 x 1.25 = 10	10	Yes

\* The required twenty-five foot (25') front yard setback has been adjusted by calculating the larger of the average of the setback of adjacent structures to the property or the average of all the properties on the block face.

The required minimum lot width for duplex development is sixty-six feet (66'), while the newly formed lots have a width of sixty-one and 11/100 (61.11) feet. The normal front yard setback for this lot would be twenty-five (25) feet. This had been adjusted to nineteen (19) feet, six (6) inches due to the average setback of the neighborhood. The owner would propose that the structure be set nineteen (19) feet from the front property line. The side yard of seven (7) feet is required, however, the owner would propose a six (6) foot side yard setback. Staff believes that the seven (7) foot requirement is an error on our site regulators chart and should be changed to six (6) feet to match existing ordinances. Staff will in the near future propose such a change to the City Council.

Finally, the minimum street side setback of this structure would be fifteen (15) feet. The developer has proposed a six (6) foot setback.

The adjacent zoning and land uses surrounding the subject sites are, to the north multi-family rentals, with Medium Density and High Density Residential designation in a R-4 zone; South, Multi-family rentals with Medium Density Residential, in a R-4 zone; East, a mix of owner occupied & rental structures, in an R-2 zone; and West, Multi-family rentals with medium density and high density residential, in a R-4 zoning and campus living.

Areas to the north, south, and west of the subject sites are predominantly multi-family rentals. To the east, is a mix of owner occupied and rental structures. Approval of the Planned Unit Development will allow for new structures to be placed on parcels in accordance with CTRIP.

Staff suggested that the proposed duplex was a good fit for the Campus Town Overlay District. The purpose of the Campus Town Overlay District was to encourage the development of rental residential property adjacent to Northwest Missouri State University and away from other predominantly single family neighborhoods.

The proposed development does have some deviations from the Campus Town Site Regulators. These shortfalls, although they do not meet the letter of the ordinance, meet the intent of the ordinance.

The duplex would meet the Comprehensive Plan proposed category of Medium Density Residential (MDR). Recommended criteria for Medium Density Residential Developments include innovative design for new projects and planned areas.

Staff recommended approval of the Planned Unit Development for the construction of a duplex.

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 twenty-four (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 twenty-four (24) hours prior to the meeting, and was duly passed by unanimous vote.

A motion was made by Councilman Shipley, seconded by Councilwoman Martin, to rezone Solar Ridge Subdivision as R-2M Single Family Modified. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Shipley, yea; Councilman McDowell, yea, Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7763 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AN ORDINANCE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH MARYVILLE R-II SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER (SRO) PROGRAM**

The City Clerk presented a bill, Bill No. 2015'66 for an ordinance entitled:

#### **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE MARYVILLE R-II SCHOOL DISTRICT, RELATED TO THE CITY PROVIDING A SCHOOL RESOURCE OFFICER FOR PUBLIC SCHOOLS, MARYVILLE, MISSOURI.**

The City of Maryville has partnered with the Maryville R-II School District in a School Resource Officer (SRO) Program for the last 14 years. The program provides a Maryville Officer to be assigned exclusively to Maryville R-II schools for the duration of the school year. For any law enforcement matters that occur within the designated facilities, the SRO handles and/or assists in finding resources to address the matters, both proactively and as a response.

About five (5) years ago, our then SRO resigned and a decision was made to no longer fund that assignment / program. The school district desired to continue the program and the parties came to a financial agreement to sustain the program. At that point a Memorandum of Understanding (MOU) was drafted and approved by respective legal counsel and governing bodies.

The renewal of the MOU is hereby presented in its original form for consideration by both entities.

Essentially seventy-five percent (75%) of the SRO's salary and benefits is recouped from Maryville R-II School District under this agreement. The percentage reflects the amount of time allocated from that Officer's total hours spent in that assignment. The remaining twenty-five percent (25%) occurs in the summer season where the Officer is employed under the Mozingo Lake Patrol division.

Staff recommended approval of the proposed ordinance and authorize the execution of a Memorandum of Understanding with Maryville R-II School District for the continuation of the School Resource Officer Program. The MOU as proposed extends the current program until July 31, 2016. The program is beneficial to the City of Maryville in attempts to reduce incidents of school delinquency, addressing drug, alcohol, youth violence and other youth issues in an educational environment.

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 twenty-four (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 twenty-four (24) hours prior to the meeting, and was duly passed by unanimous vote.

A motion was made by Councilman Shipley, seconded by Councilwoman Martin, to enter into a Memorandum of Understanding with Maryville R-II School District for the continuation of the School Resource Officer Program. Upon roll being called the vote was as follows: Councilman McDowell, yea, Councilwoman Martin, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7764 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2015-38.

#### **A RESOLUTION SUPPORTING THE CITY OF MARYVILLE, MISSOURI, BECOMING A PURPLE HEART CITY**

The City Clerk presented a bill, Bill No. 2015'67 for a resolution entitled:

#### **A RESOLUTION SUPPORTING THE CITY OF MARYVILLE, MISSOURI, BECOMING A PURPLE HEART CITY.**

The City of Maryville had been approached by John D. Dismer, Department Adjutant for the Military Order of the Purple Heart Department of Missouri to consider declaring Maryville a Purple Heart City. Purple Heart Cities symbolically honor those past and present members of the United States Armed Forces by designating the community as a Purple Heart City to remember, recognize, and celebrate those recipients of the Purple Heart Medal. A total of twenty-six (26) counties and eighty (80) cities in the State of Missouri have participated and I-44



and I-70 have been named Purple Heart Trails. Nodaway County has also committed to designating the county as a Purple Heart County and will read a proclamation during the Nodaway County Fair on July 16, 2015.

Purple Heart Cities generally designate themselves as such with small signage at the main entrance to the community. the City will work with Mr. Dismer to purchase the appropriate signage if approved.

Staff recommended adoption of the proposed resolution supporting the City of Maryville becoming a Purple Heart City, which will assist with expressing our community's gratitude for those who have served and those who are now serving to protect our nation and its freedoms.

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 twenty-four (24) hours prior to the

Motion was made by Councilwoman Martin, seconded by Councilman McDowell, to approve the resolution supporting the City of Maryville becoming a Purple Heart City, which will assist with expressing our community's gratitude for those who have served and those who are now serving to protect our nation and its freedoms. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilwoman Martin, yea; Councilman Shipley, yea; Councilman McDowell, yea; Mayor Riedel, yea. Motion carried.

Said bill was identified as Resolution No. 630 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE CHANGE ORDER NO. 1 TO A CONTRACT WITH KELLER CONSTRUCTION COMPANY, INC. FOR THE 2015 ASPHALT MILL & OVERLAY PROJECT**

The City Clerk presented a bill, Bill No. 2015'68 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE CHANGE ORDER NO. 1, OF A CONTRACT BETWEEN THE CITY OF MARYVILLE, MISSOURI AND KELLER CONSTRUCTION COMPANY, INC. FOR THE 2015 ASPHALT MILL & OVERLAY PROJECT, MARYVILLE, MISSOURI**

On March 9<sup>th</sup>, the City Council approved a contract with Keller Construction Company, Inc. for the purpose of providing asphalt milling & overlay services for the 2015 Asphalt Mill & Overlay Project. The contract was approved for an amount not-to-exceed six hundred seventy-four thousand two hundred fifteen dollars (\$674,215) which accounts for four hundred eighty-three thousand two hundred one dollars (\$483,201) from the General Fund and one hundred sixty-seven thousand seventy dollars (\$167,070) from the Mozingo Recreation Fund. The FY15 Budget included four hundred thousand dollars (\$400,000) from the General Fund and one hundred fifty thousand dollars (\$150,000) from the Mozingo Recreation Fund for overlay efforts. The additional overlay funding was made possible from significant health insurance premium savings realized when the City changed carriers in late 2014.

On May 11, 2015, staff returned to City Council to discuss the approved bid of Alternate No. 2. After an onsite inspection by staff and Keller Construction it was determined that both Ridge Road and O'Riley Road at Mozingo Lake Recreation Park are in a more serious deteriorated condition. In order to ensure full depth repairs, the City Council agreed to forego Alternate No. 2 and proceed with the full repair, mill and overlay for only Ridge Road and O'Riley Road.

The 2015 Asphalt Mill & Overlay Project has been delayed due to substantial rainfall, but Keller Construction Company, Inc. has returned to finish the remaining segments. Staff has identified another urgent section in need of repair along South Main Street, near the curve at Lincoln Street. For the last several years, staff has attempted to repair significant potholes along the west side of Main Street at this location. Unfortunately, the in-house repairs have not held up to the elements and continue to wash-out. Not only does the deteriorated pavement in the west lane ensure a rough ride, but large potholes on a curve can also be a safety concern.

Staff secured a quote from Keller Construction Company, Inc. for the repair of the west lane of South Main Street at this location in the amount of seven thousand five hundred dollars (\$7,500). The repair would include a two inch (2") mill with a replacement of hot-mix asphalt for an area of two hundred eighty-one (280) linear feet by twelve (12) feet wide. Performing a complete lane repair will ensure that surface drainage will not pop-out repair patches moving forward. Utilizing additional health insurance savings previously noted, staff has proposed Change Order No. 1 for City Council consideration.

Change Order No. 1 proposed to increase the contract with Keller Construction Company, Inc. in an amount not-to-exceed seven thousand five hundred dollars (\$7,500). The total contract would increase to six hundred eighty-one thousand seven hundred fifteen dollars (\$681,715) of which one hundred sixty-seven thousand seventy dollars (\$167,070) is planned from the Mazingo Recreation Fund and five hundred fourteen thousand six hundred forty-five dollars (\$514,645) from the General Fund. Northwest Missouri State University will also reimburse the General Fund sixteen thousand tree hundred eighty-three and 60/100 dollars (\$16,383.60) for overlay of parking areas on 4<sup>th</sup> Street from Dunn to Grand. Sufficient savings from health insurance premiums remain for the proposed Change Order No. 1.

Staff recommended approval of the proposed ordinance to execute Change Order No. 1 to a contract with Keller Construction Company, Inc. in an increased amount not-to-exceed amount of seven thousand five hundred dollars (\$7,500) for the 2015 Asphalt Mill & Overlay Project.

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

Motion was made by Councilwoman Martin, seconded by Councilman McDowell, to execute Change Order No. 1 to a contract with Keller Construction Company, Inc. in an increased amount not-to-exceed amount of seven thousand five hundred dollars (\$7,500) for the 2015 Asphalt Mill & Overlay Project. Upon roll being called the vote was as follows: Councilman McDowell, yea; Councilwoman Martin, yea Councilman Shipley, yea; Mayor Riedel, yea; Motion carried.

Said bill was then identified as Ordinance No. 7765 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement will be made part of the original contract being Contract No. 2015-11.

## REPORTS

### I. NWMSU/Student Senate Liaison

- *Fall Sessions begin August 31, 2015:* Student Liaison Hannah Sears stated that fall sessions will begin August 31, 2015 at Northwest Missouri State University (NWMSU). Freshman enrollment is up.
- *Summer Movies at NWMSU:* The movie night series at NWMSU continues with the remaining showings for the summer being July 14, 21, and 28, 2015, at the Ron Houston Center, at 7:00 and 9:00 p.m.

### II. City Manager

- *4<sup>th</sup> Street Improvement Project, Phase 1:* City crews worked last week to curb a storm water inlet located at the intersection of 4<sup>th</sup> Street and University Drive to formally abandon an unknown storm water pipe that caused roadway issues on June 11, 2015. The new curb will allow surface drainage to continue downhill east to the new storm water system. Keller construction will mill a full width section where the incident occurred and restore the roadway to new condition after the inlet is filled. A total of eighty-eight (88) bearcat paws have now been installed along 4th Street from Main to the stadium. Two additional paws will be installed once Keller completes the street repair.
- *Maryville Wastewater Treatment Plant* - On July at 10:17 a.m. the new Maryville Wastewater Treatment Plant became fully operational and compliant with regulatory agencies. The effluent gate is open and the mechanical facility is successfully discharging to Outfall #001 under a new permit issued by the Missouri Department of Natural Resources (MDNR). The discharge marks the timely completion of the schedule outlined in a Settlement Agreement with MDNR and the Missouri Department of Justice (DOJ). The new permit places the City of Maryville in compliance with the Missouri Clean Water Law and the Federal Water Pollution Control Act. Several minor construction items remain however are not crucial to the operation of the facility.
- *Strategic Planning Session* - The City of Maryville has hired the Art Davis Group. LLC, for the second consecutive year to facilitate a goal setting work session to develop short and long-term strategic goals as a part of the FY16 budget process. Mr. Art Davis will hold sessions with council and staff on July 26 and 27, 2015 to develop and refine priorities and goals of the City. A draft report of the results will be provided to the City Council in early August for use during budget workshops. In addition to previously working with the City' of Maryville, the Art Davis Group. LLC has facilitated sessions with the City of Independence, Lee's Summit, Harrisonville. Hot Springs, AR, Lenexa, KS and Kansas City. MO.
- *MIRMA University* - The MIRMA Staff and Board of Directors are proud to announce a new offering to the membership that might drastically change the way we handle safety meeting creation and dissemination of' information to employees. For at least 20 years MIRMA has provided online legal training to police officers in the Association. In addition. MIRMA has

also supplied member cities with a library of safety videos on a variety topics city wide via mail order. Having the ability to view safety training online at our convenience will make scheduling training easier for supervisors and employees. The new online classes will be dubbed MIRMA University and MIRMA Police University, respectively. On the non-law enforcement side, our city will have access to training which will cover all of the 12 training requirements on the MIRMA Loss Control Program Evaluation. The only topic not covered is CPR, which typically requires a hands-on portion for certification.

- *Outstanding Public Partner Award* - The Missouri Main Street Connection will be hosting their annual "Get Plugged In Downtown" premier revitalization conference July 28 through July 30, 2015, at the Westin Kansas City at Crown Center. Training sessions will assist communities and Missouri Main Street communities with the Main Street Four-Point Approach and how to revitalize and run an effective Main Street Program. On Thursday, July 30, 2015, the 2015 Annual Revitalization Awards will be announced during the Evening of Excellence dinner. The City of Maryville along with the Maryville Downtown Improvement Organization (MDIO) nominated the 4<sup>th</sup> Street Improvement Project for the Outstanding Public Partner Award and was notified that we are one of two (2) semifinalists. A total of eighteen entries were submitted and the winner will be announced during the event. Representatives from the City of Maryville, MDIO, and Northwest Missouri State University will be in attendance.
- *Oak Pointe Assisted Living & Memory Care* - On Wednesday, July 8, 2015, Oak Pointe Assisted Living & Memory Care held a ribbon cutting ceremony to commemorate the official completion of construction. According to Oak Pointe representatives, initial resident numbers have exceeded expectations and they are enjoying being a part of the Oak Pointe community. The new six million dollar (\$6,000,000) facility features fifty (50) beds, restaurant, community kitchen, 2 courtyards, scenic room views, laundry, salon, and memory care unit. The City of Maryville and Nodaway County Economic Development worked with Clear Path Senior Holdings, LLC in 2013 to bring the facility to Maryville. Part of the effort included lobbying the State of Missouri to issue the fifty (50) bed permit and state the case of need for Maryville and Northwest Missouri.
- *Northwest Missouri Regional Airport Runway Rehabilitation* - On Tuesday, June 23, 2015 the bid opening for the airport runway rehabilitation was project was opened at City Hall. All of the bids are within the engineers estimate and Aviation, the airport consultant, is analyzing the lowest bid to ensure compliance with project requirements. It is anticipated that the lowest bid and associated project documents will be presented to City Council at the July 27, 2015 meeting. The meeting will include a potential grant from the FAA and STAR Loan for local match funding for construction. If awarded, construction is likely to begin in the spring of 2016.
- *Asphalt Overlay at Mozingo Lake Recreation Park* -Keller Construction began work on the asphalt

overlay of Ridge Road and O'Reily Road at Mozingo Lake Recreation Park this past Thursday and Friday and will continue on July 13 and 14, 2015 of the current week. The contractor is repairing the road base and patching the necessary areas and will return the week of July 20, 2015 to complete the final overlay of the two roads. After completion of roadway improvements at Mozingo, Keller will return to Maryville to complete remaining contract obligations.

- *Trail Phases 4 & 5 at Mozingo Lake Recreation Park* - Orr Wyatt Construction Company will be onsite the week of July 13, 2015 to begin construction on Phase 4 & 5 of the trail network. Phase 4 is the north loop near the RV campground and it is anticipated that this section will be complete prior to the 20th Anniversary events. Phase 5, *trail* section is located along the point and will take a couple of weeks to complete.

### **III. City Council**

- Councilman Shipley reported due to lack of interest in the BBQ Contest at the 20<sup>th</sup> Anniversary event, there will be no competition, but there will be an individual who will smoke meat to be served.
- Councilwoman Martin and City Manager McDanel attended the Ribbon Cutting ceremony on Wednesday, July 8, 2015, at 6:00 p.m., at Oak Pointe Living and Memory Care facility, located at 817 South Country Club Road.
- Mayor Riedel reminded everyone that the City of Maryville will be recognized as a “Purple Heart” city, during the Nodaway County Fair, on Thursday, July 16, 2015. The City of Maryville and Nodaway County will both be recognized at that time.
- Uptown streets will be closed on Tuesday, July 14, 2015, at 5:00 p.m. to prepare for the Nodaway County Fair.
- Sunday, July 26, 2015, the City Council Members and Administrative Staff will begin strategic planning sessions which will assist in budget preparations for the upcoming fiscal year.

### **EXECUTIVE SESSION**

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

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

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

### **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: Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, 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