

Maryville City Council
Regular Scheduled Meeting

March 14, 2016
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, March 14, 2016, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING: REZONING OF PROPERTY LOCATED AT 121 NORTH AVENUE

Mayor Riedel opened a Public Hearing to allow citizens to be heard regarding the rezoning of property located at 121 North Avenue.

Any persons wishing to speak on the subject was asked to stand and state their name and address for the record.

Jane McGary, 107 Lawn Avenue; and Gina Davis, 127 North Avenue; Max Greever, 1201 North Main Street; and Mike McGary, 107 Lawn Avenue, expressed their desire for the neighborhood to remain a single family zone, opposing to the rezoning of the property located at 121 North Avenue from R-2, Single Family Residence Zone to R-2M Modified Residence Zone.

Opposing neighbors expressed their concern with duplexes in the area bringing down the value of the neighborhoods. The tract of land included two (2) lots, that two (2) structures could be constructed; one (1) facing south and the other facing north.

Currently the property is zoned as an R-2 Single Family Residence Zone, and is requesting to rezone the property as R-2M (Multi-family Residence Zone).

With no other persons wishing to be heard, Mayor Riedel closed the Public Hearing.

PUBLIC HEARING: REGULATIONS RELATING TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES AND TO AMEND THE ZONING CODE AMENDING CHAPTERS 100, 510, AND 550 OF THE MUNICIPAL CODE RELATING TO PREEMPTION BY OR CHANGES IN FEDERAL OR STATE LAW AND TO ENACT NON-PREEMPTED BUILDING CODE REGULATIONS

Mayor Riedel opened a second Public Hearing to allow citizens to be heard regarding the proposed ordinances related to regulations relating to communications antennas and support structures and to amend the zoning code amending Chapters 100, 510, and 550 of the Municipal Code relating to preemption by or changes in federal or state law and to enact non-preempted building code regulations.

Any persons wishing to speak on the subject was asked to stand and state their name and address for the record.

No persons appeared to be heard.

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, Gerald Riggs, Timothy Shipley and Jason McDowell. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland; Dir., Public Works C.E. Goodall; Dir., Finance Denise Town; Dir., Public Safety Keith Wood; Human Resource Manager Amy Strough, 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 McDowell 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: Councilman Shipley, yea; Councilman McDowell, 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 February 8 and 22, 2016, be noted at this time.

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

CITIZENS TO BE HEARD

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

No persons appeared to be heard.

TREASURER'S REPORT

Dir., Finance Denise Town reported that during the month of February 2016, the City received non-reoccurring funds from Northwest Missouri State University (NWMSU) reimbursement for wayfinding signs (\$51,383.70); Suddenlink Cable - quarterly franchise distribution (\$21,563.10); Nodaway County - property tax distribution (\$42,294.07 Total; General Fund \$16,429.86, Park and Recreation Fund \$19,358.11 and Debt Retirement Fund \$6,506.10).

Non-reoccurring disbursements for the month of February 2016 included payments to Allied Systems for repairs to SW lift station repairs (\$22,877.50); UMB Bank, principal payment on Series 2009 GO Bonds (\$210,000.00); UMB Bank, interest payment on Series 2009 GO Bonds (\$69,093.13); UMB Bank, principal payment on Series 2013 COP issue for streets (\$265,000.00); UMB Bank, interest payment on Series 2013 COP issue for streets (\$22,450.00)

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

PAYMENT VENDOR SCHEDULE

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

REZONING APPLICATION FOR PROPERTY LOCATED AT 121 NORTH AVENUE, OWNED BY CHRIS BURNS

The City Clerk presented a bill, Bill No. 2016'11 for an ordinance entitled:

AN ORDINANCE TO AMEND SECTION 405.040 (THE OFFICIAL ZONING MAP), ORDINANCE NO. 4984 (THE ZONING ORDINANCE), UPON THE APPLICATION OF CHRIS BURNS, REZONING PROPERTY LOCATED AT 121 NORTH AVENUE, FROM R-2, SINGLE FAMILY RESIDENCE ZONE TO R-2M, MODIFIED RESIDENCE ZONE.

Applicant, Chris Burns, requested to rezone the property located at 121 North Avenue from an R-2 Single Family to an R-2M, Modified Residence Zone. Mr. Burns requested to rezone the lots to construct a duplex. The existing R-2, Single Family Zone does not allow for a duplex to be constructed. The rezoning to an R-2M, Modified Residence Zone would allow for the construction of a duplex with 2 unrelated occupants per unit. The property is not located within an overlay district.

The areas around the subject site are primarily single family owner occupied homes to the north, rental property to the west and a mix of owner occupied and rentals to the south and east

The City Attorney has given the opinion that this would not be spot zoning. Section 405.370.B, states that a parcel of any size may be rezoned to a lower classification when it is adjacent to that classification. In this case, it would be permissible to rezone this property to a lower classification than C-1. A lower classification would include an R-2M, Modified Residence Zone.

Mr. Burns had previously attempted to rezone the property in April of 2013. The recommendation from Planning & Zoning at the time was to approve the rezoning to R-2M, Modified Residence Zone. The rezoning motion failed for lack of a second at the May 13, 2013 City Council meeting. Section 400.090.4 states that reconsideration of an application for rezoning can be made one (1) year from the date of previous denial by Council.

On June 23, 2015 Mr. Burns again requested the rezoning. The Planning & Zoning Commission recommended rezoning to an R-2M, Modified Residence Zone. This recommendation did not go to the City Council because it was discovered that a required notification mailing was missed. The City Attorney advised that the Planning & Zoning Commission cannot make an appropriate recommendation without following the notice requirements of Section 400.080.

The subject site is designated as Low Density Residential (LDR) within the Maryville Comprehensive Plan. Low Density Residential uses are characterized as emphasizing single family detached development although innovative single family forms may be permitted with special review. The proposed construction of a duplex on a 132' x 132' lot would be a low density residential use. This use meets the Maryville Comprehensive Plan.

The Maryville Comprehensive Plan shows this entire area as Low Density Residential (LDR). An R-2M, Modified Residence Zone would allow the applicant to build a duplex that he desires yet keep low density usage in place. The R-2M Zone would also provide a needed buffer between the R-2, Single Family Zone and C-1, Restricted Business Zone. Finally, an R-2M, Modified Residence Zone is what the Planning & Zoning Commission previously recommended for the property in both 2013 and 2015.

On March 2, 2016, the Planning & Zoning Commission unanimously recommended approval of the rezoning request. City staff recommended proceeding with the rezoning to R-2M, Modified Residence Zone to allow the construction of a new duplex on the property.

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 Councilwoman Martin, seconded by Councilman McDowell, to rezone the property located at 121 North Avenue to R-2M, Modified Residence Zone to allow the construction of a new duplex on the property.

Upon roll being called the vote was as follows: Councilman Shipley, nay; Councilman McDowell, yea, Councilwoman Martin, yea; Councilman Riggs, nay; Mayor Riedel, yea. Motion carried (3-2).

Said bill was then identified as Ordinance No. 7829 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ORDINANCE AMENDING CHAPTERS 100, 510, AND 550 OF THE MUNICIPAL CODE RELATING TO PREEMPTION BY OR CHANGES IN LAWS

The City Clerk presented a bill, Bill No. 2015'12 for an ordinance entitled:

AN ORDINANCE AMENDING CHAPTERS 100, 510, AND 550 OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE, MISSOURI RELATING TO PREEMPTION BY OR CHANGES IN FEDERAL OR STATE LAW AND TO ENACT NON-PREEMPTED BUILDING CODE REGULATIONS TO ADDRESS RECENT CHANGES IN FEDERAL AND STATE LAWS

State and Federal statutes and regulations for the telecommunications industry are rapidly changing. These laws are made even more uncertain due to litigation that invalidates, reenacts, or amends the new laws. The City wishes to continue to ensure compliance with all applicable laws and should amend any section of the Municipal Codes as necessary. By extending a "self-preemption" to the entire code, it will ensure that provisions of the code that may be affected by frequently-changing legal requirements are automatically amended or repealed.

Statutes and regulations for the telecommunications industry in relation to safety provisions and location of communications facilities (cell towers) are also rapidly changing. The proposed ordinance also seeks to protect the public and others from numerous documented safety hazards that can arise from communications facilities by enacting safety regulations allowed by law. These items include:

1. Support structures shall have a safety fall zone. All new support structures (towers) are required to have a safety fall zone equal to the height of the tower from any right of way, sidewalk, street, alley, parking area, playground or building. This is a new safety standard to protect against structural failures, wind damage or falling ice.

2. No barbed wire is allowed at fences in commercial zones. This prohibition also includes electrified and razor wire. The only place barbed wire will be allowed at the fence is in manufacturing zones. Municipal Ordinances currently do not allow barbed wire along public streets.
3. Only monopole tower design is allowed. Towers can only be monopole design and cannot be any other design, for example a lattice or guyed tower is not allowed.
4. Lighting at the towers will only be allowed when approved by the City and only when it is found that it does not unreasonably shine on residential property or otherwise hurt property value or character of the area.
5. Use of airwaves is included in the right of way definition. This will allow the City more control over the use of our right of ways. This is something that the City has made a priority the last several years.

The preemption ordinance will ensure that any fees associated with construction of communication facilities remain in compliance with rapidly changing federal and state laws.

The proposed ordinance was created by Cunningham, Vogel & Rost, P.C., a St. Louis based law firm that specializes in telecommunications laws and compliance for local governments.

Staff recommended approval of the proposed ordinance amending Chapters 100, 510, and 550 of the Municipal Code relating to preemption by or changes in laws and to enact non-preempted building code regulations to address recent changes in laws. The proposed ordinance will allow the city to remain in compliance with rapidly changing federal and state telecommunications laws while adding additional safety provisions for the placement of facilities.

The ordinance was unanimously recommended for City Council approval by the Planning & Zoning Commission at the Planning and Zoning meeting on March 2, 2016.

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 Councilwoman Martin, seconded by Councilman Riggs, to amend Chapters 100, 510, and 550 of the Municipal Code relating to preemption by or changes in laws and to enact non-preempted building code regulations to address recent changes in laws. Upon roll being called the vote was as follows: Councilman McDowell, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7830 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ORDINANCE ADOPTING REGULATIONS RELATED TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES AND AMENDING THE ZONING CODE

The City Clerk presented a bill, Bill No. 2015'13 for an ordinance entitled:

AN ORDINANCE ADOPTING REGULATIONS RELATING TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES AND AMENDING THE ZONING CODE OF THE CITY OF MARYVILLE, MISSOURI RELATING THERETO

The City is granted authority to regulate telecommunications towers and antennas with zoning authority under Chapter 89 of the Missouri Revised Statutes and additionally with general and specific police powers to protect the public health, safety and welfare of the community. As mentioned previously, the telecommunications industry is rapidly changing and the increased placement of communications antennas and support structures is impacting cities nationwide. Without the adoption of amended regulations, the uncontrolled proliferation of cell towers may threaten to diminish property values, aesthetic quality, or the health, safety, and welfare of the general public.

The proposed ordinance amends Title V of the Municipal Code and Official Zoning Map by adopting a new Chapter 430: Wireless Infrastructure Facilities. The purpose of the chapter is to regulate the placement, construction, modification of telecommunications towers, support structures and antennas. Notable elements in the proposed code include:

1. Disguised support structures required in commercial zones. Any new tower erected in a commercial zone shall be a monopole tower and shall be disguised. This requirement will help protect property values and help the structures to blend into the area. These disguises may include, but are not limited to, clock towers, campaniles, observation towers, light standards, flag poles and artificial trees.
2. The color and exterior finish of the tower shall be approved. This will allow the City to set an administrative policy to control the aesthetics of the wireless telecommunication facility.
3. Towers can exceed the height limit of the zoning district. This section will bring us into compliance with State and Federal laws and will allow support structures to exceed zoning district height restrictions when shown to be necessary.
4. Masonry wall and landscaping will be required at commercial locations. A masonry compound wall and landscaping shall be a requirement in all disguised support structures.
5. A \$500 application fee will now be required instead of the \$15.00 building permit fee currently assessed.
6. A \$1,500 special use application fee: Any submittal not meeting the code requirements can apply for a special use permit. The cost of this special use permit application is \$1,500. A special use permit fee for a structure currently is \$125.00.

Fees referenced in the proposed Chapter 430: Wireless Infrastructure Facilities are set by Federal and State laws.

The proposed ordinance was created by Cunningham, Vogel & Rost, P.C., a St. Louis based law firm that specializes in telecommunications laws and compliance for local governments.

Staff recommended approval of the proposed ordinance adopting regulations relating to communications antennas and support structures and amending the zoning code. Chapter 430: Wireless Infrastructure Facilities is designed to regulate the placement, construction, modification of telecommunications towers, support structures and antennas. By adopting these regulations, staff can ensure the protection of health, safety, and welfare of the general public, provide for the appropriate location of these facilities, minimize adverse visual impacts, and ensure

compatibility with surrounding neighborhoods. Cunningham, Vogel & Rost, P.C. has ensured that the proposed regulation is in compliance with all federal and state statutes.

The ordinance was unanimously recommended for City Council approval by the Planning & Zoning Commission at the Planning and Zoning meeting on March 2, 2016.

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 Councilwoman Martin, seconded by Councilman Riggs, to approve the proposed ordinance adopting regulations relating to communications antennas and support structures and amending the zoning code. Chapter 430: Wireless Infrastructure Facilities is designed to regulate the placement, construction, modification of telecommunications towers, support structures and antennas. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7831 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ORDINANCE TO EXECUTE A CONTRACT WITH NORRIS QUARRIES, LLC FOR MATERIALS AND HAULING SERVICES FOR SHORELINE STABILIZATION AT MOZINGO LAKE RECREATION PARK

The City Clerk presented a bill, Bill No. 2015'14 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH NORRIS QUARRIES, LLC, FOR MATERIALS AND HAULING SERVICES FOR SHORELINE STABILIZATION AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI

The Fiscal Year 2016 (FY'16) Mozingo Recreation Fund budget includes twenty thousand dollars (\$20,000) towards continued shoreline stabilization projects at Mozingo Lake Recreation Park. Shoreline stabilization is to be accomplished through the strategic location of rip-rap along the shoreline of the lake. Over the past several months staff has been working with Tory Mason, who is the Fisheries Management Biologist for Andrew, Holt, Atchison, and Nodaway Counties to identify areas of greatest need. One of the identified priority areas is the area north of the City boat ramp. Included in the packet is a map of the proposed area.

Staff requested approval for a "not-to-exceed" amount of twenty thousand dollars (\$20,000), to be used for the purchase of rip-rap material and hauling of the material to the site. Current weather conditions are favorable for the installation of rip-rap along the shoreline as the water level is greatly reduced and the shoreline grounds are dry providing for improved access.

The rip-rap material would be placed along the shoreline beginning just north of the City boat ramp and continue extending north. Previous rip-rap projects have completed a substantial amount of shoreline from the “Point” to an area just past the Reserved RV area. The proposed project site has been identified as a priority area by staff and Missouri Department of Conservation.

Staff attempted to obtain quotes and proposals from several local quarries. Out of three (3) quarries contacted, only one (1) provided a quote with the remaining two (2) declining due to limited hauling capacity. The quote from Norris Quarries, LLC is as follows:

Quantity	Unit/Measure	RipRap Specs	Unit Price	Delivery Price	Price Extension	Total Cost
150	Ton	3” to 10”	\$15.50	\$7.00	\$22.50	\$3,375
200	Ton	4” to 20”	\$16.25	\$7.00	\$23.25	\$4,650
400	Ton	6” to 28”	\$16.25	\$7.00	\$23.25	\$9,300
TOTAL						\$17,325.00

There are three (3) different sizes of rip-rap. The largest spec rock type will be used to create the base of the rip rap barrier and then the two smaller sizes are used to fill the gaps in order to create a rock barrier between the water and shoreline. Norris Quarries, LLC is the company that was utilized by Mazingo for the previous rip-rap project in FY15.

Staff recommended approval of the proposed ordinance to execute a contract with Norris Quarries, LLC for material and hauling services for shoreline stabilization at Mazingo Lake Recreation Park in an amount not-to-exceed twenty thousand dollars (\$20,000).

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 Councilwoman Martin, seconded by Councilman McDowell, to execute a contract with Norris Quarries, LLC for material and hauling services for shoreline stabilization at Mazingo Lake Recreation Park in an amount not-to-exceed twenty thousand dollars (\$20,000). Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7833 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. 2016-04.

AN ORDINANCE TO EXECUTE A CONTRACT WITH VIEVU, LLC FOR THE PURCHASE OF WEARABLE CAMERAS FOR THE MARYVILLE PUBLIC SAFETY DEPARTMENT

The City Clerk presented a bill, Bill No. 2016’15 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH VIEVU, LLC

**FOR THE PURCHASE OF WEARABLE CAMERAS FOR THE MARYVILLE
PUBLIC SAFETY DEPARTMENT, MARYVILLE, MISSOURI.**

The Maryville Public Safety Department has utilized wearable cameras for patrol officers for the last six (6) years. The current units are old enough to require frequent maintenance and threaten to become less reliable when a time public demands for their use are significant. The existing wearable cameras were obtained from WatchGuard Video, who also maintains the units and in car dash-cams. The WatchGuard Video units were manufactured by VieVu, LLC who now is marketing and selling their product direct.

The department currently has eighteen (18) wearable camera units due for replacement. The FY'16 Budget includes ten thousand seven hundred fifty dollars (\$10,750) planned to replace half of the units (9 units) and to acquire a new computer designated for video storage purposes. During a recent upgrade of computer equipment at Public Safety, an existing computer was repurposed to accommodate for storage needs, eliminating the need for a new purchase. Staff proceeded to obtain quotes for the purchase of new wearable cameras on a per-unit cost. The following quotes were received:

Vendor	Unit Price	Trade-In	Total
VieVu, LLC	\$899.95	\$300 per unit	\$599.95
WatchGuard Video	\$850	\$0	\$850

With the trade-in value proposed by VieVu, LLC, the department can purchase all eighteen (18) units for ten thousand eight hundred forty-eight dollars (\$10,848).

Staff recommended approval of the proposed ordinance to execute a contract with VieVu, LLC for the purchase of wearable cameras for the Maryville Public Safety Department in an amount not-to-exceed ten thousand eight hundred forty-eight dollars (\$10,848). While the amount is slightly over funds included in the FY'16 Budget, the ability to repurpose a computer and the trade-in value provided allows all eighteen (18) units to be replaced. By replacing all units, staff can maintain uniformity for both hardware and software maintenance instead of operating two (2) different systems. Wearable cameras for officers are considered crucial equipment in today's law enforcement 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 Councilwoman Martin, seconded by Councilman Riggs, to execute a contract with VieVu, LLC for the purchase of wearable cameras for the Maryville Public Safety Department in an amount not-to-exceed ten thousand eight hundred forty-eight dollars (\$10,848). Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7834 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. 2016-05.

AN ORDINANCE TO EXECUTE A CONTRACT WITH MAGUIRE IRON, INC. FOR THE 2016 WATER TOWER MAINTENANCE

The City Clerk presented a bill, Bill No. 2015’16 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH MAGUIRE IRON, INC. FOR THE 2016 WATER TOWER MAINTENANCE PROJECT, MARYVILLE, MISSOURI

The City of Maryville has three (3) water towers that allow for sufficient water storage to service the residents. These towers include the Edwards Street Water Tower (1,000,000 gal), North Water Tower (750,000 gal), and the South Water Tower (750,000 gal). These towers are regulated through the Missouri Department of Natural Resources and require regular maintenance to meet regulations. Water towers are expected to be inspected on a 5-7 year rotation. The North and South Towers were built in 2011 and are due for inspection. The Edwards Street Water Tower was inspected in 2013 and several items were noted for repair. The inspection recommended that interior painting should occur within the next few years.

Due to the timing of the interior painting for the Edwards Street Water Tower, staff has included the inspections of the North and South Towers, as well as the Clearwell at the Water Treatment Plant. Staff anticipated that if further inspections were included in the bid package, the City would see competitive bids. The inspections will also allow staff to review any findings and budget for necessary repairs in future years.

A Request for Proposals (RFP) was issued for the 2016 Water Tower Maintenance Project on February 12, 2016 with bids due on March 8, 2016. Bids were received from the following:

Company	Edwards Tower Inspection/painting	North Tower Inspection	South Tower Inspection	Clearwell Inspection	Total Bid
Maguire Iron, Inc.	\$143,200	\$1,500	\$1,500	\$1,500	\$147,700
Principle Industrial Services, LLC	\$336,000	\$4,000	\$4,000	\$4,000	\$348,000
Pittsburgh Tank and Tower Maintenance Company	\$228,360	\$25,000	\$20,000	\$20,000	\$293,360

The apparent low bid was provided by Maguire Iron, Inc. of Sioux Falls, SD in an amount of one hundred forty-seven thousand seven hundred dollars (\$147,700).

The FY’16 Budget includes two hundred fifty thousand dollars (\$250,000) for the 2016 Water Tower Maintenance Project in the Water/Sewer Fund. An additional five thousand dollars (\$5,000) was included in the budget to perform inspection of the Clearwell at the Water Treatment Plant. The bid from Maguire Iron, Inc. for the project is well within budgeted amounts.

Staff recommended approval of the proposed ordinance to execute a contract with Maguire Iron, Inc. for the 2016 Water Tower Maintenance Project in an amount not-to-exceed one hundred forty-seven thousand seven

hundred dollars (\$147,700). The project will complete the necessary interior painting at the Edwards Street Water Tower and inspections of remaining towers and Clearwell for an amount significantly under budget. Water Towers represent some of the City of Maryville's most critical and expensive assets therefore proper maintenance is required.

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 Councilwoman Martin, seconded by Councilman Riggs, to execute a contract with Maguire Iron, Inc. for the 2016 Water Tower Maintenance Project in an amount not-to-exceed one hundred forty-seven thousand seven hundred dollars (\$147,700). Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Councilman McDowell, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7834 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. 2016-06.

AN ORDINANCE TO EXECUTE A CONTRACTUAL AGREEMENT FOR WATER & SEWER EXTENSION SERVICES AND ANNEXATION WITH RVA HOLDINGS, LLC

The City Clerk presented a bill, Bill No. 2015'17 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACTUAL AGREEMENT WITH RVA HOLDINGS, LLC, FOR THE EXTENSION OF WATER AND SEWER SERVICES AND ANNEXATION, MARYVILLE, MISSOURI

River Valley Ag Services, LLC of Hopkins, MO has purchased property at 25199 Jet Road for their seed business. Several facilities have been constructed on site and the property is held under RVA Holdings, LLC. The property includes twenty-six and 6/10 (26.6) acres of land and is located outside the Maryville city limits.

RVA Holdings, LLC now desires access to adjacent city water and sanitary sewer services. No adjoining properties are contiguous to the city limits thereby eliminating the possibility of voluntary annexation for services. Staff has discontinued the practice of allowing access to city services without annexation. The unique circumstances of the location also make it impractical for rural water service or other methods of sanitary disposal.

Staff has proposed and negotiated a Contractual Agreement to extend water and sewer services to this property in return for voluntary annexation. Under the terms of the agreement, the City will allow the property owner to access the city infrastructure immediately at their expense. The property owner agrees to voluntary annex at the time the official city limits are contiguous to any portion of the property. Until such time, all charges for use of water and sewer services shall be based upon the rates for land located outside the city limits per ordinance. The agreement would be binding upon the owners and any successors after it is recorded at the Recorders Office of

Nodaway County. Should the property owner fail to comply with provisions in the agreement when the ability to voluntary annex is possible, the City reserves the right to terminate all services.

All costs for extension or access to city water and sewer services will be borne by the property owner. The Water/Sewer Fund will also receive additional revenue from a new utility customer through this agreement.

Staff recommended approval of the proposed ordinance to execute a contractual agreement for Water & Sewer Extension Services and Annexation with RVA Holdings, LLC. The agreement secures the rights for voluntary annexation of property into the city limits in the future while providing immediate access to city services to serve business needs.

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 Councilwoman Martin, seconded by Councilman Riggs, to execute a contractual agreement for Water & Sewer Extension Services and Annexation with RVA Holdings, LLC. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilman McDowell, yea; Councilwoman Martin, yea; Mayor Riedel, yea. Motion carried.

Said bill was then identified as Ordinance No. 7826 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Change Order No.1 was made a part of the original contract, Contract No. 2015-53.

DISCUSSION: 2016 ASPHALT OVERLAY PROJECT

During the process of developing the FY'16 Budget, the City Council established several strategic goals for the upcoming year. The strategic goals were outlined and adopted by resolution on August 24, 2015 and included the goal to "Maintain and Improve the City's Infrastructure". Under that goal was the more specific action step to "Determine available funding and establish annual process for asphalt mill and overlay." The adopted goal represents the City's continued focus on improving street conditions citywide. The FY'16 Budget includes a total of three hundred thirty thousand dollars (\$330,000) for the 2016 Asphalt Overlay Project.

Staff had reviewed street conditions after the mild winter months and compiled the following list for consideration:

- 1) North Main Street (North City Limits to 242nd Street) (1 mile)
- 2) South Alco Ave (1st Street to Edwards Street – match to concrete area)
- 3) North Main (4th to 6th Street – including parking areas)
- 4) South Saunders (Torrance to East South Avenue)
- 5) East 2nd (Dewey to Depot)
- 6) West 3rd (Buchanan to North Munn)
- 7) West 2nd (Fillmore to Grand Ave.)
- 8) West Edwards (South Main to South Munn)
- 9) Carefree Drive (Beginning just east of Mulberry to Serenity Loop)

- 10) Galaxy Drive
- 11) South Davis (1st Street to East Edwards)
- 12) East Edwards (South Main to North Davis)
- 13) South Grand Ave (1st Street to South Alco)

The asphalt mill & overlay of North Main Street has been discussed for the past few budget years. While North Main will utilize the majority of FY'16 funding, the roadway is recommended as it is in poor condition on a main community entryway. The remainder of the list is proposed as alternates so bids accepted can be analyzed for completion and/or used for budgeting purposes in FY'17.

The FY'16 Budget contains \$280,000 for asphalt mill and overlay in the General Fund and an additional fifty thousand dollars (\$50,000) in the Capital Improvement Fund for a total of three hundred thirty thousand dollars (\$330,000).

Discuss the list and any priorities of streets for inclusion in the 2016 Asphalt Overlay. After discussion, staff will release a Request for Proposals (RFP) on the project to accept bids on the project. With oil prices remaining low, staff anticipates competitive bids for council consideration in April.

DISCUSSION: PUBLIC WORKS DUMP TRUCK PURCHASE

The Public Works Department has requested the past several years to include a dump truck in the annual budget. Because of the financial impact of purchasing a dump truck, one has yet to be purchased. The cost of a new dump truck was estimated to be between one hundred thousand and one hundred twenty-five thousand dollars (\$100,000 – 125,000).

Staff requested permission of the City Council to attempt to purchase a dump truck at an upcoming auction, on March 19, 2016.

The dump truck is a 2006 that is in good condition, with five thousand (5,000) miles on it. Staff has inspected the vehicle and has found it to be a sound vehicle.

Council Members approved the attempt to purchase the dump truck, within the budgeted amount. If the dump truck is able to be purchased, an ordinance will be presented to the City Council for approval of the purchase.

REPORTS

I. NWMSU/Student Senate Liaison

- *Tuition 2016-17* – The Board of Regions announced that there would be no increase of tuition costs for the 2016-2017 school year at Northwest Missouri State University. However, Administrative fees were requested to be increased by twenty-four dollars (\$24.00) per credit hour, which will cost students a total of three thousand dollars (\$3,000) more over a four (4) year period. Twenty dollars of the Administrative fees will be used for a Campus Master Plan, for infrastructure planning. The remainder will be used for Technical Fees and Campus Climate Fees.

II. City Manager

- *South Main Improvement Project, Phase I* – The City has executed a contract for engineering and design of the South Main Improvement Project, Phase I with SK Design Group, Inc. in the amount of two hundred twenty-seven thousand five hundred dollars (\$227,500). The Missouri Department of

Transportation (MoDOT) has approved the use of Surface Transportation Program (STP) funds in the amount of \$86,616 toward the project. MoDOT STP funds are generated through tax on fuel sales and distributed by population to cities for use on local roads within the MoDOT functional classification system. Unfortunately, MoDOT has notified the City that if it intends to utilize STP funds in engineering on the project, all MoDOT policies, permits, and procedures must be followed through engineering, any land acquisition, construction and inspection. Staff objects to this due to minimal amount of funding provided and the anticipated complexity of the project. Staff recommends shifting the use of STP funds towards the asphalt overlay of North Main and has contacted MoDOT to begin the process. Both projects are included in the General Fund so the shift in funding will have no impact to the FY'16 Budget.

- *Spoofhound Trail Extension, TAP-4300 (109)* – Snyder & Associates, Inc. has completed the redesign of the Spoofohound Trail Extension Project, TAP-4300 (109). A plan revision was required to push the trail location further north after the Maryville R-II School District informed staff of a long-term desire to expand parking. Staff will meet with the District this week to ensure the revised location is correct before proceeding through the Missouri Department of Transportation (MoDOT) Right-of-Way acquisition process. The project will construct an eight (8) foot wide concrete trail approximately nine hundred (900) linear feet to connect the prior Safe Routes to School Trail located behind the football field and the trail constructed with the reconstruction of Munn Avenue. The project is funded eighty percent (80%) by the MoDOT Transportation Alternatives Program (TAP) for a total anticipated cost of one hundred sixty-three thousand six hundred seventy-eight dollars (\$163,678). Staff intends to bid the project this spring for a summer construction schedule.
- *110 S. Fillmore Street*– Staff is drafting a Special Warranty Deed for 110 S. Fillmore to transfer the property to the Maryville R-II School District. In early 2015, the City of Maryville entered into a Memorandum of Understanding (MOU) with the District for the Northwest Technical School to construct Cabin #8 at Mazingo Lake Recreation Park. As with prior cabins, the City agreed to provide the district a lot to utilize for future technical school projects. Several years ago, the City removed an unsafe and dangerous structure on the lot, then acquired the property through the Nodaway County tax sale.
- *Voice Over IP System* - UnitedFiber has completed the installation of a Voice Over IP system to transform phone communications for the City of Maryville. On November 23, 2015, the City Council entered into a contract to purchase equipment and provide for installation of the system at all City facilities. UnitedFiber has now trained staff on the system and switched to live-use on March 4, 2016. The system appears to be working well with only minor transitional issues. In addition to improving communications between staff and the public, the system has the potential to save over fifty thousand dollars (\$50,000) a year in physical line connection charges.
- *Revitalize Maryville 2016 Program* - On February 22, 2016, the City Council approved expansion of incentives for property redevelopment under the Revitalize Maryville 2016 Program. The program allows for tiered incentives for substandard structure removal that include tipping fee and permit fee waivers. Projects must be pre-approved and applications are now available at City Hall. On February 25,

2016, Travis Pierson became the first property owner to take advantage of the program by removing a structure at 315 E. Thompson. Mr. Pierson will build a new single-family residence on the lot under guidelines of the program.

- *Transfer Station Lease* – On January 25th, the City Council made a motion to lease the commercial operation of the Maryville Transfer Station to the Maryville Trash Cooperative, LLC. Staff has completed the draft lease and provided it to the group for their review and consideration. It is anticipated that the executed lease will be provided to the City Council on March 28, 2016. Once approved, the required notice will be sent to Deffenbaugh to terminate the hauling contract in April for service ending August 14, 2016.
- *Award Winning Watson 9* – Golf Digest has announced the top fifteen (15) hybrid courses and the Watson 9 was listed among them and is the only course listed that is not opened yet.
- *Top Industrial Communities* - Site Selection Magazine named Maryville among the top forty (40) Metropolitan Communities for Industrial Growth.

III. City Council:

- Councilman McDowell and Councilwoman Martin attended the Nodaway County Senior Center Open House.
- Councilwoman Martin plans to attend the “Leader in Me” event at the Maryville Middle School.
- Meals on Wheels Councilman Riggs and Councilwoman Martin, Mayor Reidel will be serving at Senior Center.

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; Councilman Riggs, yea; Mayor Riedel, yea. Motion carried.

Meeting was adjourned at 8:00 p.m.

Renee Riedel, Mayor

ATTEST:

Sheila Smail, City Clerk