

**Maryville City Council**  
**Regular Scheduled Meeting**  
October 24, 2016

The Council met at 6:00 p.m. to tour the Maryville Water Treatment Facility located at 3613 East 1<sup>st</sup> Street.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, October 24, 2016, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING**

**I. Public Hearing for Special Use Permit Request by the Maryville Elks Lodge #760, at 921 East 3<sup>rd</sup> Street**

Mayor McDowell opened a Public Hearing to allow citizens to be heard regarding for the proposed Special Use Permit for the property located at 921 East 3<sup>rd</sup> Street. The requested Special Use Permit was submitted by the Maryville Elks Lodge, #760.

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

Nicki Samson, 922 East 4<sup>th</sup> Street, asked how many of the City Council Members were members of the Maryville Elks Lodge, #760. Councilmen Shipley and Riggs indicated that they were members. Ms. Sampson suggested that it would be a conflict of interest if they were to participate in discussion and vote of this issue.

Ms. Sampson provided a map of the area and sections of the Maryville Comprehensive Plan that she felt conflicted with the request being made to allow the Maryville Elks Lodge to relocate to 921 East 3<sup>rd</sup> Street. Ms Samson resides in a house she owns located adjacent to the parking lot of the proposed location. Ms. Samson stated that the lodge would negatively affect the integrity of the neighborhood and expressed her concern of noise disturbance coming from the lodge if the Maryville Elks were to relocate to this property.

John Nelson, 628 Katy Drive, Exalted Ruler of Maryville Elks Lodge, #760, stated that the membership of the local lodge has outgrown their current location and are looking for space that will be more accommodating for their larger membership. He stated that the lodge provides many events that benefit the community. He added that the lodge is not asking for a rezoning of the property but instead a Special Use Permit.

With no further discussion, the Public Hearing was closed.

**ROLL CALL**

The meeting was called to order by Mayor McDowell and roll was called by the City Clerk, with the following present to-wit: Mayor Jason McDowell, Council Members, Rachael Martin, Jerry Riggs Tim Shipley and Renee Riedel. Others present were City Manager Greg McDanel; Asst., City Manager Ryan Heiland, City Attorney Taryn Henry; Dir., Finance Denise Town; Dir., Public Safety Keith Wood; Dir., Public Works CE Goodall; Human Resource Manager Amy Strough; Student Liaison Jacob Barnes and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor McDowell.

**INVOCATION**

The invocation was given by Councilman Shipley.

**APPROVAL OF THE AGENDA**

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

**CITIZENS TO BE HEARD**

Mayor McDowell 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. Kevin Yoder, Yoder's Country Café, LLC, was present to request permission to sell donuts and coffee from his "donut trailer" in the city owned parking lot south of The Palms, at the intersection of North Buchanan Street and West 4<sup>th</sup> Street, during the Northwest Missouri State University Homecoming Parade, on Saturday, October 28, 2016. He made application with the city for a solicitor's permit during the month of September, at which time he provided all necessary documentation for the solicitor's permit to be issued.

Since Mr. Yoder had not notified city staff of his request until the day of the meeting and Council was not scheduled to meet again before October 28, 2016, his request was approved to be heard during this time. Mr. Yoder stated that he would like to extend his request to allow him to set up and sell on public property on other dates as well.

Mr. Yoder has provided the appropriate documentation for his hold harmless agreement and liability coverage for the request.

Motion was made by Councilwoman Riedel, seconded by Councilman Shipley, to approve the request for Yoder's Country Café, LLC to sell goods on the parking lot at North Buchanan Street and West 4<sup>th</sup> Street. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor McDowell, yea. Motion carried.

#### **REQUEST TO HOLD CHRISTMAS PARADE, GREATER MARYVILLE CHAMBER OF COMMERCE**

The Greater Maryville Chamber of Commerce submitted an application requesting permission to hold the 2<sup>nd</sup> Annual Christmas Parade, on Friday, December 2, 2016 beginning at 6:30 p.m. The event is proposed to begin at 2<sup>nd</sup> Street and North Main Street, with parade participants lining up on 2<sup>nd</sup> Street. Participants will go north on Main Street to 7<sup>th</sup> Street, ending at Franklin Park.

For the past several years, the local Girl Scout troops have been responsible for decorating and providing the "Winter Wonderland" scene at Franklin Park, where children come to visit Santa. When the end of the parade reaches Franklin Park, a lighting ceremony will be held to light up Winter Wonderland.

The Chamber of Commerce provided an executed Indemnification and Hold Harmless Agreement and a copy of a certificate of liability insurance, naming the City as an additional insured and are nearing completion of obtaining signatures from businesses who might be affected by the parade.

Staff recommended approval of the request to hold the Christmas Parade and Winter Wonderland lighting ceremony on Friday, December 2, 2016, contingent upon the receipt of the signatures by area businesses. East 2<sup>nd</sup> Street and North Main Street will be closed at 5:30 p.m. and reopen upon parade ending, which is estimated to be at 7:30 p.m.

Motion was made by Councilman Riggs, seconded by Councilwoman Riedel, to hold the Christmas Parade and Winter Wonderland lighting ceremony on Friday, December 2, 2016, contingent upon the receipt of the signatures by area businesses. Upon roll being called, the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Councilwoman Riedel, yea; Mayor McDowell, yea. Motion carried.

#### **REQUEST TO HOLD ANNUAL SPEEDY SPOOFHOUND 5K RUN ON CITY STREETS, EUGENE FIELD SCHOOL**

For the past several years a request has been submitted by Eugene Field School staff, to hold a 5K race beginning and ending at Eugene Field Elementary School, located at 418 East 2<sup>nd</sup> Street. Again, city staff has received a request from the Eugene Field School staff expressing their desire to hold the Speedy Spoofohound 5K Race, on Saturday, April 22, 2017, beginning at 7:00 a.m. and concluding around 10:00 a.m. The route proposed for the run is depicted in the map enclosed in the packet, which is the same as last year's event.

A request to close East 2<sup>nd</sup> Street from Dewey Street to Saunders Street was made which involves only the street block that Eugene Field School sits.

A request was made for a Public Safety Officer, if available, to assist in traffic control at East First Street, between 8:15 and 9:00 a.m. The Certificate of Liability Insurance has been provided, naming the City as an additional insured. An updated certificate of liability insurance will be acquired since this one expires January 1, 2017. The signed Indemnification and Hold Harmless Agreement have been submitted.

Staff recommended approval of the requested Speedy Spoofohound 5K Race, scheduled for Saturday, April 22, 2017, between 7:00 and 10:00 a.m.

Motion was made by Councilman Riggs, seconded by Councilwoman Riedel, to approve the requested Speedy Spoofohound 5K Race, scheduled for Saturday, April 22, 2017, between 7:00 and 10:00 a.m. Upon roll being called, the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilwoman Riedel, yea; Councilwoman Martin, yea; Mayor McDowell, yea. Motion carried.

#### **A RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL USE PERMIT TO THE MARYVILLE ELK'S LODGE #760, AT 921 EAST 3<sup>RD</sup> STREET**

The City Clerk presented a bill, Bill No. 2016'100 for a resolution entitled:

#### **A RESOLUTION AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT TO THE MARYVILLE ELK'S LODGE #760, AT 921 EAST THIRD STREET, MARYVILLE, MISSOURI.**

The Benevolent and Protective Order of Elk's Maryville Lodge #760 would like to request a Special Use Permit to use the property at 921 East 3<sup>rd</sup> Street as their lodge facility. The property at 921 East 3<sup>rd</sup> Street is currently owned by the

Assembly of God of Maryville; however the Maryville Elks Lodge #760 desires to purchase the property for use. The Elk's is a fraternal organization located at 115 North Main Street.

Prior to Council conversing about the issue Attorney Henry was asked if membership of the Maryville Elks Lodge would be considered as a conflict of interest for Council Members to participate in discussion and vote of the issue at hand.

Attorney Henry stated that she was uncertain until she was able to review the Missouri State Statutes to make that determination.

Motion was made by Councilwoman Riedel, seconded by Councilwoman Martin to table the item until the November 14, 2016, City Council Meeting, to allow for review of the conflict of interest laws. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor McDowell, yea. Motion carried.

**A RESOLUTION TO APPROVE A LOT SPLIT FOR PROPERTY LOCATED AT 1003 N. DEWEY STREET**

The City Clerk presented a bill, Bill No. 2016'101 for a resolution entitled:

**A RESOLUTION AUTHORIZING A LOT SPLIT OF PROPERTY LOCATED AT 1003 NORTH DEWEY STREET, MARYVILLE, MISSOURI.**

On September 24, 2016, staff received a lot split application from Jimmy Holt for a property located at 1003 North Dewey Street.

The proposed lot split will create one new tract 1.32 acres in size. Mr. Holt intends to sell the new tract of land to his neighbor to the south who will have access to the new tract through their existing property since they adjoin one another.

In accordance with the Municipal Ordinance 410.060, a lot split need not be approved by the Planning and Zoning Commission, but shall be approved by resolution of the Council prior to recording.

The lot split met all requirements per the municipal code.

Staff recommended approval of the proposed resolution for a lot split at 1003 N. Dewey creating a new one and 32/100 (1.32) acre tract of land. The lot split request meets the requirements of the Maryville Municipal Code and as such, staff recommends approval as presented.

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 Riedel, seconded by Councilwoman Martin to approve proposed resolution for a lot split at 1003 N. Dewey creating a new one and 32/100 (1.32) acre tract of land. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor McDowell, yea. Motion carried.

Said bill was then identified as Resolution No. 649 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**APPROVE TO EXECUTE A CONTRACT WITH AQUA BLUE DESIGNS, INC. FOR PURCHASE AND INSTALLATION OF TWO (2) CLARIFIER COVERS FOR THE WASTEWATER TREATMENT PLANT**

The City Clerk presented a bill, Bill No. 2016'103 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH AQUA BLUE DESIGNS, INC., FOR THE PURCHASE AND INSTALLATION OF TWO CLARIFIER COVERS AT THE WASTEWATER TREATMENT PLANT, MARYVILLE, MISSOURI.**

Since opening for operations in July 2015, the Wastewater Treatment Plant has experienced large algae growth on the clarifiers. Significant algae growth can cause issues with meeting required permit numbers through the Missouri Department of Natural Resources. PeopleService, Inc. has done an adequate job keeping numbers within permitted limits, however they note concerns moving forward. Algae buildup on clarifiers can also lead to additional problems with ultraviolet disinfection at the plant as algae builds up around the bulbs. PeopleService, Inc. spends significant time cleaning bulbs and even built an additional screen in an attempt to catch algae, however the problem still exists.

City staff recently toured wastewater operations in Atchison, Kansas to view covers installed on clarifiers for algae issues. Operators indicate that no algae growth has occurred since the installation of proper covers. After further discussion

with PeopleService, Inc. staff recommends the purchase of clarifier covers to ensure proper maintenance and compliance with the permit. Aqua Blue Designs, Inc. appears to be the only company providing covers of this kind for Wastewater Treatment Plant operations in this area.

The FY'17 Budget includes forty-seven thousand five hundred dollars (\$47,500) for clarifier covers based on a quote earlier this year. Since adoption of the budget, the quote for two (2) covers has increased to forty-nine thousand five hundred dollars (\$49,500). Staff recommends shifting funds from line item 70-74-2-504-00 for purchase of rock for lagoon berms to cover the shortfall.

According to Section 150.090: Formal Vendor Section Methods (G) Limits on Competitive Bids/Proposals, "Proposals and competitive bid requirements may be waived, upon City Manager approval, if the items can only be acquired by a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered." Staff recommends waiving bid requirements as they are a sole sources supplier. Staff recommended approval of the ordinance to execute a contract with Aqua Blue Designs, Inc. for the purchase and installation of two (2) clarifier covers for the Maryville Wastewater Treatment Plant in an amount not to exceed forty-nine thousand five hundred dollars (\$49,500). Installation of covers at the plant will eliminate issues caused by algae for proper maintenance and operation of the system.

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

Motion was made by Councilwoman Riedel, seconded by Councilwoman Martin, to approve the proposed resolution adopting the strategic goals of the City of Maryville. The City Council and staff have used these goals during the FY'17 Budget process. Upon roll being called the vote was as follows: Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Councilwoman Riedel, yea; Mayor McDowell, yea; Motion carried.

Said bill was then identified as Ordinance No. 7906 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE A CONTRACT FOR MEMBERSHIP AND SERVICES WITH NORTHWEST MISSOURI REGIONAL COUNCIL OF GOVERNMENTS**

The City Clerk presented a bill, Bill No. 2016'102 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT FOR MEMBERSHIP AND SERVICES WITH NORTHWEST MISSOURI REGIONAL COUNCIL OF GOVERNMENTS.**

The Northwest Regional Council of Governments (NWMRCOG), formerly called the Northwest Missouri Regional Planning Commission, is one of the twenty (20) regional planning commissions in Missouri, designed to resolve common community problems on a regional basis. In 1975, the organization reinvented itself on a clear two-fold purpose of the organization. The first being that of local governments, working together to identify common concerns and planning for the solutions of problems which commonly affect the individual governments or affect a larger area-wide concern. Secondly, the organization provides assistance to the local governments in implementing these solutions in order to solve problems and meet needs.

Currently Northwest Regional Council of Governments provides technical assistance programs, coordination programs, inquiry service, data mining, and other services on a contractual basis.

The FY16 Budget includes four thousand two hundred dollars (\$4,200) for membership renewal with Northwest Regional Council of Governments. The renewal assessment is based on thirty-five cents (\$.35) per person of population and is four thousand one hundred ninety and 20/100 dollars (\$4,190.20). (11,972 x \$.35 = \$4,190.20).

Staff recommended approval of the proposed ordinance to execute a contract for membership and services with the Northwest Regional Council of Governments. The City of Maryville maintains a strong relationship with NWMRCOG staff on numerous community issues and grant related opportunities. Recently, the City worked with NWMRCOG and SSM Health St. Francis to secure one million dollars (\$1,000,000) for an early learning facility through the Community Development Block Grant Start Smart Program.

Upon motion duly made, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 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 Riedel, seconded by Councilwoman Martin, to approve the proposed ordinance to execute a contract for membership and services with the Northwest Regional Council of Governments. Upon roll being called the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilwoman Riedel, yea; Councilwoman Martin, yea; Mayor McDowell, yea. Motion carried.

Said bill was then identified as Ordinance No. 7905 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. 2016-54.

**An Ordinance to Execute a Break in Limited Access License with the Missouri Highways and Transportation Commission for Slip Ramp Access to Route 71**

The City Clerk presented a bill, Bill No. 2016'104 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A BREAK IN LIMITED ACCESS LICENSE WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR SLIP RAMP ACCESS TO ROUTE 71, MARYVILLE, MISSOURI.**

On November 9, 2015, the City Council made a motion to accept negotiated terms with the Missouri Department of Transportation (MoDOT) regarding several items of maintenance, access, and development along South Main Street. MoDOT was then to create official documents to establish the following:

Earlier this year, MoDOT provided necessary permits for Fountain Park (#2) however continues to work on agreements transferring maintenance of South Main (#1) and the three acres of excess right-of-way (#3). It is anticipated that these agreements will be provided to the City prior to the end of the year for consideration.

The proposed Break in Limited Access License will allow for the construction of a slip ramp from 285<sup>th</sup> Street to Highway 71 Bypass (#4). The City of Maryville, Nodaway County Economic Development, and the Maryville Industrial Development Corporation have been working with Kawasaki Motors Manufacturing, Inc. on their long-term economic development plans and impact to the South Main corridor. Kawasaki desires to reroute their truck traffic south around 285<sup>th</sup> Street to the rear of the facility. The rerouting will benefit plant efficiency and increase safety by separating employee parking entrances from truck traffic. In order to accomplish this, Kawasaki has been working to design an upgrade along 285<sup>th</sup> Street from gravel to concrete. The improvement will begin slightly south of the employee entrance and head southwest to the west property line of Kawasaki. In addition, the City of Maryville and Kawasaki will benefit from a new southbound only slip ramp onto Route 71. The slip ramp will allow for all trucking and employees heading south to leave the facility and directly access Route 71 without congesting the existing intersection at South Main Street.

Kawasaki Motors Manufacturing, Inc. has agreed to fund one hundred percent (100%) of the improvements with the Maryville Industrial Development Corporation (MIDC) managing the construction contract. After construction and inspection, the City of Maryville will accept maintenance responsibility for the new roadway from Nodaway County and MoDOT. To allow for construction, MIDC has executed a Temporary Break in Limited Access License which will serve to construct the slip ramp. Once complete, the proposed Break in Limited Access License will allow for public use of the slip ramp.

There are no immediate financial considerations for the City with the proposed Break in Limited Access License. The City will accept long-term maintenance responsibility for an improved 285<sup>th</sup> Street however it will be built to city specifications to ensure the length of useful life. Snow removal responsibility will be incorporated into existing city routes.

The Break in Limited Access License requires the City to accept ownership of the new right-of-way for the slip ramp from MIDC once the project is complete.

Staff recommended approval of the proposed ordinance to execute a Break in Limited Access License with the Missouri Highways and Transportation Commission for slip ramp access to Route 71. The slip ramp access will complete one of the negotiated items with MoDOT from November 2015. An improved 285<sup>th</sup> Street with direct access to Route 71 will improve efficiency and employee safety for Maryville's largest employer.

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 Councilwoman Riedel, to approve the proposed ordinance to execute a Break in Limited Access License with the Missouri Highways and Transportation Commission for slip ramp access to Route 71. Upon roll being called the vote was as follows: Councilman Shipley, yea; Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Mayor McDowell, yea; Motion carried.

Said bill was then identified as Ordinance No. 7907 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. 2016-56.

**AN ORDINANCE TO TERMINATE CONTRACT 2015-71 WITH WERTZBERGER ARCHITECTS, PC, FOR PROFESSIONAL DESIGN SERVICES FOR THE MOZINGO LAKE RECREATION PARK CONFERENCE CENTER**

The City Clerk presented a bill, Bill No. 2016'105 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO TERMINATE CONTRACT NO 2015-71, A CONTRACT WITH WERTZBERGER ARCHITECTS, PC, FOR PROFESSIONAL DESIGN SERVICES FOR THE MOZINGO LAKE RECREATION PARK CONFERENCE CENTER, MARYVILLE, MISSOURI**

On December 28, 2015, the City Council approved a contract with Wertzberger Architects, P.C. for professional design services. The contract included architectural, structural, M.E.P., and civil site design services for a new thirty thousand (30,000) square foot conference center at Mozingo Lake Recreation Park. Prior to contract award, the City submitted a Request for Qualifications (RFQ) to solicit proposals from interested architecture firms. The Wertzberger Architects, PC was the top rated proposal due to the firm designing the adjacent Boulders Inn & Suite Hotel project and design experience for the Boulders Conference Center at Denison, Iowa. Staff proceeded to negotiate a reduced design fee with the architect due to similar floor plan as the Denison model. The resulting contract of two hundred twenty thousand six hundred fifty dollars (\$220,650) was significantly under the four hundred thousand dollars (\$400,000) estimate used for similar conference center designs. In addition, staff was able to secure one hundred thousand dollars (\$100,000) from Boulders Inn Maryville, LLC to use toward design expenses above in exchange for a land lease.

Over the last few months, staff has been working with Wertzberger Architects, P.C. to complete design of the facility and obtain construction bids. Numerous communication challenges with the firm have led to months of delay and confusion for contractors. Six (6) addendums of clarification were released during the bid process including one within twenty-four (24) hours from bid opening. Contractors and subcontractors cited confusion on materials and construction methods throughout the bid process. Bids were opened on October 20<sup>th</sup> as follows:

<i>Contractor</i>	<i>Base Bid</i>	<i>Alternate No. 1 (Geothermal)</i>	<i>Alternate No. 2 (Concrete)</i>
EL Crawford	\$5,719,900.00	\$375,000	\$265,000
Al J. Mueller	\$6,490,000.00	\$373,000	\$290,000
<i>Engineer's Estimate</i>	<i>\$3,510,000.00 to \$4,395,000.00</i>		

Upon bid award, both contractors indicated more frustration with plans and cited numerous materials that could benefit from value engineering to reduce project cost. Staff will work to identify these items and award a contract within budget or rebid the project.

Due to the level of service and discrepancies listed above, staff recommends terminating the contract with Wertzberger Architects, P.C. and proceeding in a different direction on the project. If an architect is required to redesign the facility, the balance of this contract can be used accordingly.

According to Section 11.5 of the contract with Wertzberger Architects, P.C., basic services are based on a percentage of the cost of work and the compensation for each phase of services is as follows:

Schematic Design Phase	25%	Design Development Phase	25%
Construction Docs & Bidding	25%	Construction Phase	25%

The Construction Docs & Bidding phase is now complete from a contractual standpoint. Termination of the contract at this time will result in fifty-five thousand one hundred sixty-two and 50/100 dollars (\$55,162.50) or one fourth (1/4<sup>th</sup>) of the contract fee remaining for additional architectural services.

Staff recommended approval of the proposed ordinance to terminate Contract No. 2015-71, a contract with Wertzberger Architects, P.C. for professional design services for the Conference Center at Mozingo Lake Recreation Park.

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 Riedel, seconded by Councilman Shipley, to approve the proposed ordinance to terminate Contract No. 2015-71, a contract with Wertzberger Architects, P.C. for professional design services for the Conference Center at Mozingo Lake Recreation Park. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor McDowell, yea; Motion carried.

Said bill was then identified as Ordinance No. 7908 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **DISCUSSION: 3RD QUARTER LIQUOR LICENSE DATA**

A report was provided by Dir., Public Safety Keith Wood containing information relating to the activities in bar establishments and liquor license holders over the third quarter of 2016 (July, August, and September). With the return of students, focused efforts on bar activities and alcohol enforcement in general has increased dramatically.

In total, there were seventy-one (71) Minor in Possession (MIP's) issued in the quarter: four (4) in July, twenty-six (26) in August, and forty-one (41) in September. Of that total, only fifteen (15) MIP's were directly attributable to offenses in bar establishments.

Four (4) Bar Patrol activities this quarter led to the following results:

- August 26<sup>th</sup> - very light crowds, -0- arrests / incidents
- August 31<sup>st</sup> - 4 MIP's at Molly's and 4 "street" MIP's
- September 16<sup>th</sup> - "street" activity only, 4 MIP's and 1 marijuana possession
- September 21<sup>st</sup> - 3 MIP's at Molly's and 3 "street" MIP's

A total of nineteen (19) incidents required response at Molly's, of which seven (7) were self-reported. Four (4) incidents required response at The Palms, of which zero (0) were self-reported. Two (2) incidents required response at Burny's, of which zero (0) were self-reported.

A report by date and location of violations/incidents at bar establishments for the third quarter was provided.

Dir., Public Safety Wood noted observations and trends that included:

1. Public Safety is accustomed to large crowds and historically those might be shared by different locations on different nights. Since the start of school we have experienced very large crowds of over five hundred (500) at Molly's and often near nothing at other locations.
2. Public Safety responded to a complaint at The Palms of a minor consuming. Upon response, four (4) people were in the bar which consisted of three (3) patrons and one (1) bartender. All parties present were subsequently arrested, one (1) for under age in bar and MIP, two (2) for MIP, and the bartender for sales to a minor (x3).
3. The Palms has had repeated code violation summons issued for a persistent violation. They have already been to court in July for the same violation.

Section 600.200 through 600.280 of the Municipal Code of Maryville dictates the enforcement of liquor license laws. Section 600.250 A., is a comprehensive list of the grounds for suspension/revocation. According to Section 600.250 F, the Council may impose a suspension of up to 90 days, or revoke the license, upon finding a violation of the comprehensive list. The process involves a hearing/formal proceeding that may be instituted at any time by an affirmative vote of three members.

Council Members expressed concern of the number of violations by The Palms, located at 422 North Buchanan Street and Molly's at 309 North Market Street.

Even though Molly's has a much higher volume of patrons than other bars, concern was expressed regarding the number of violations and the violation of being over the occupancy limit. It was requested by the City Council that staff meet with Mick Hoskey, Molly's Bar owner and inform him of the concerns of the City Council.

Due to reports of violations related to alcohol sales, patrons under the age of 19 in the bar and other code violations, Councilwoman Riedel made a motion, seconded by Councilwoman Martin, to schedule a hearing with The Palms, located

at 422 North Buchanan Street, to determine whether to impose a suspension of the liquor license issued for this address.

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

## **REPORTS**

### **I. NW Student Liaison**

- *Blood Drive Considered Success* – The Blood Drive held Tuesday, October 11 thru Thursday, October 13, 2016, in the Student Union, on Northwest Missouri State University (NWMSU) Campus, collected three hundred nineteen (319) units of blood.
- *Students Urged to Vote* – Northwest Missouri State University Students have been urged to vote at the November 8, 2016 election.

### **II. City Manager**

- *Transient Guest Tax* -The City of Maryville has placed a question regarding a transient guest tax on the November 8, 2016 ballot. A transient guest tax, commonly referred to as a "bed tax", is a five percent (5%) fee charged on all sleeping rooms paid by the guest of licensed lodging facilities. Under the current proposal, revenues would be utilized to assist Northwest Missouri State University with funding for the construction and operation of the Northwest Multipurpose Complex and toward community-wide marketing, events and promotion through the creation of a Tourism Committee. The proposed partnership is supported by Northwest Missouri State University, Greater Maryville Chamber of Commerce, Maryville Parks & Recreation, Nodaway County Economic Development, Nodaway County Commissioners, and Maryville hotels. More voter information regarding the proposal and the Northwest Multipurpose Complex can be found at [www.maryville.org/election](http://www.maryville.org/election). The last day to register to vote for the November 8, 2016 election was October 12, 2016.
- *Town Hall Meeting at Hy-Vee* - Hy-Vee will be sponsoring a Town Hall Meeting regarding the transient guest tax proposal on Wednesday, October 26, 2016 at 8:00 a.m. in the store restaurant. Northwest President Dr. John Jasinski and City Manager Greg McDanel will be on hand to provide information to voters. Hy-Vee will be providing one half (1/2) price coffee from 7:00 a.m. until 10:00 a.m. for the event.
- *Employee Town Hall Meeting* - An employee town hall meeting was held on October 24, 2016 at noon for City of Maryville and Maryville Parks & Recreation employees. The meeting, organized by the Employee Board, was an attempt to inform all employees on current initiatives and projects of the organization. The six (6) adopted City Council goals were discussed along with short presentations by Department Heads. Northwest President Dr. John Jasinski was also in attendance to provide employees information regarding the transient guest tax proposal on the November 8, 2016 ballot.
- *Downtown LED Lights* - Earlier this year, the City worked with Brightergy, LLC to install LED lights in five city owned facilities and twenty-nine (29) decorative street lights in downtown. The project was aimed to provide energy efficiency and accomplished through a three (3) year project lease. Currently, seven (7) downtown lights are inoperable and complaints have been taken from several residents. Staff has been working with Brightergy to schedule replacement of the lights who indicate that faulty installation will result in all lights needing the change. The project remains under warranty and staff is working with Brightergy, LLC to schedule replacement.
- *"Slaw Dog" Day* - The annual "Slaw Dog" Day will be held Friday, October 28, 2016 at noon on the first floor of the Nodaway County Administration building. "Slaw Dog" day is an annual hot dog lunch for City of Maryville and Nodaway County employees. Employees fund and fix the lunch in an effort of collaboration and to celebrate the partnership. Special thanks to event organizers Jim Wiederholt, Maryville Building Official, and Rex Wallace, Nodaway County Assessor.
- *Public Safety Prescription Drug Take-Back* - Maryville Public Safety conducted a prescription drug take-back on Saturday, October 22, 2016, at the Walmart parking lot and Maryville Public Safety facility. Over one hundred (100) pounds of prescription drugs were collected during the event. Public Safety will now coordinate with the Drug Enforcement Agency (DEA) for proper disposal.
- *Runway 14/32 Rehabilitation Project* - Idecker, Inc. continues to make construction progress on the Runway 14/32 Rehabilitation Project at Northwest Missouri Regional Airport. Approximately fifty percent (50%) of the runway pavement is complete with the remainder to be complete this week, weather dependent. Project remains on schedule to have the runway open in late November.



- *Haunted Campground at Mozingo Lake Recreation Park* - The ninth annual Haunted Campground at Mozingo Lake Recreation Park was held Saturday, October 22, 2016. Staff estimates around several thousand attendees with DARE handing out over one thousand two hundred (1,200) glow necklaces throughout the event. The Office of Student Involvement at Northwest Missouri State University assisted with over fifty volunteers representing numerous student organizations. Attendees enjoyed inflatables, games, crafts, food vendors and trick or treating among a sold out campground. Tom and Twyla Martin continue to be instrumental in organizing the event.
- *Voter's Education Provided* – City Manager McDanel and Asst., City Manager Heiland will be providing voter education regarding the question on the November 8, 2016 ballot concerning the imposition of a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in Maryville, Missouri at a rate of five percent (5%) for the purpose of promoting tourism, including without limitation providing funds for a portion of the costs to construct, operate and maintain an indoor multipurpose complex to be located on the campus of, and to be owned by, Northwest Missouri State University?

**III. City Council**

- *Haunted Campgrounds at Mozingo Lake Recreation Park* – Councilwoman Martin stated that she attended the Mozingo Lake Recreation Park Haunted Campground event and was surprised of the number of attendees at the event.

**ADJOURNMENT**

Motion was then made by Councilwoman Martin, seconded by Councilman Shipley, to adjourn the meeting. Upon roll being called, the vote was as follows: Councilman Riggs, yea; Councilman Shipley, yea; Councilwoman Riedel, yea; Councilwoman Martin, yea; Mayor McDowell, yea. Motion carried. Meeting was adjourned at 8:12 p.m.

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Jason McDowell, Mayor

ATTEST

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Sheila Smail, City Clerk