

**Maryville City Council**  
**Regular Scheduled Meeting**  
November 14, 2016  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, November 14, 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 Northwest Foundation, 640 College Avenue**

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.

Alan Bates, Director of Facilities and Program Director of Northwest Missouri State University, explained that the Special Use Permit being requested was for additional office space and off-street parking at the Northwest Foundation building, located at 640 College Avenue. He explained that discussions were had with neighborhood residents to assure their needs were met as well.

Mark Carmichael, 715 West 3<sup>rd</sup> Street affirmed that concerns have been satisfied regarding water issues.

Mike Johnson, Executive Director of Northwest Foundation, agreed that they have worked with the neighbors to address any concerns they had and added that the Foundation is excited about the project.

With no further discussion, Mayor McDowell closed the Public Hearing.

**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, Gerald Riggs; Timothy Shipley and Renee Riedel. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland; City Attorney Taryn Henry; Dir., Public Works CE Goodall, Dir., Finance Denise Town; 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**

Pastor Roger Cooper, Temple Baptist Church gave the invocation.

**APPROVAL OF THE AGENDA**

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

Motion was made by Councilman Riggs, seconded by Councilwoman Martin to approve the agenda 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.

**APPROVAL OF MINUTES**

Mayor McDowell requested any changes to the minutes of the regularly scheduled City Council meetings held on October 10 and 24, 2016, be noted at this time. No changes were noted.

Motion was made by Councilman Shipley, seconded by Councilwoman Martin, that the minutes be approved as presented. 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.

**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.

No persons appeared to be heard.

**MOZINGO LAKE RECREATION PARK ADVISORY BOARD APPOINTMENTS**

As of October 1, 2016, the Mozingo Advisory Board had four (4) vacant board member positions. These positions are open due to the expiration of the three (3) year terms and one (1) board member has moved out of state. Staff has been notified that all three (3) of the board members wish to be reappointed to the Mozingo Advisory Board for an additional three (3) year term. In addition, staff has received two (2) applications to fill the remaining vacant position.

The existing board members who wish to be reappointed included Jon Gustafson, Floyd Hook and Michael Thompson.

Staff has received applications from Michelle Drake and Donell Anderson, who have requested to be considered for the appointment of a new member of the Mozingo Lake Recreation Park Advisory Board. An email was later received from Donell Anderson stating that she wished to withdraw her name for consideration for the position on the Mozingo Lake Recreation Park Advisory Board.

Staff recommended the re-appointment of Jon Gustafson, Floyd Hook, Michael Thompson and the appointment of Michelle Drake to the Mozingo Advisory Board.

Motion was made by Councilwoman Martin, seconded by Councilman Riggs, to approve the re-appointment of Jon Gustafson, Floyd Hook, Michael Thompson and the appointment of Michelle Drake to the Mozingo Advisory Board. 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.

#### **TREASURER'S REPORT**

Dir., Finance Denise Town provided a report for the month of October 2016, the City received reoccurring funds from Suddenlink for the 3<sup>rd</sup> Quarter Cable Franchise distribution (\$22,294.40); Missouri Department of Transportation (MODOT) for the airport runway grant reimbursement Request No. 18, (\$257,241); and MoDOT for the Star Loan reimbursement Request No.7 (\$28,583.24).

Non-reoccurring disbursements for the month of October 2016 included payments to Andrew Spire Construction, Spoofoound trail Payment Request No.1 (\$80,856.72); Helena Chemical Company, fertilizer at Mozingo Lake Park, (\$9,560.00); Ideker Construction, airport runway Pay Request No. 3 & 4 (\$433,204.56); Jason Brown Roofing, Water Treatment Plant roof repairs, (\$26,300.00); Keller Construction, asphalt overlay project, (\$218,058.25); Loch Sand & Construction Co., Water/Sewer Maintenance Building apron (\$41,470.00); Nodaway County Economic Development, annual support (\$62,000.00); New Nodaway Humane Society, annual support (\$60,000.00); SK Design Group, South Main engineering (\$21,700.00); Snyder & Associates, Engineering on Spoofoound trail (\$11,394.07); Tyler Technologies-annual software maintenance for finance & utility billing (\$23,301.07); UMB Bank - transfer for August and September 2016 sales tax for Hy-Vee TIF (\$29,394.70); Visu-Sewer, manhole and sewer lining project (\$12,480.10); Wertzberger Architects Architectural Services, Mozingo conference center (\$13,877.50); White Cloud Engineering - Conference Center Infrastructure project (\$65,000.00).

Motion was made by Councilwoman Riedel, seconded by Councilman Shipley, to approve the Treasurer's Report as presented. 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.

#### **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilwoman Martin, seconded by Councilwoman Riedel, to approve the payment of bills, 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.

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

At the October 24, 2016 City Council Meeting the Council voted to table this item.

Motion was made by Councilwoman Riedel, seconded by Councilwoman Martin, to remove this item from the table for further discussion. Upon roll being called the roll was as follows: Councilwoman Riedel, yea; Councilwoman Martin, yea; Councilman Riggs, yea; Councilman Shipley, yea; Mayor McDowell, yea. Motion carried.

Because Councilman Riggs and Councilman Shipley are members of the Maryville Elks Lodge #760, they recused themselves from the Council Chambers during discussion and the vote of this topic.

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

#### **A RESOLUTION AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT TO THE MARYVILLE ELK'S LODGE 3760, AT 921 EAST THIRD STREET, MARYVILLE MISSOURI.**

John Nelson, 628 Katy Drive, Exalted Ruler of Maryville Elks Lodge, #760, explained that the Elks Lodge has been looking for a new location for the organization and wanted to explore their options for the structure located at 921 East Third Street.

Nicki Samson, 922 East 4<sup>th</sup> Street, described the conversation she had with Chad Simpson, Corporate Elks Lodge, about the Maryville Elks Club, Lodge #760, requesting a Special Use Permit for the proposed new location of the lodge, at 921 East 3<sup>rd</sup> Street. Samson stated that Mr. Simpson indicated that it is not the practice of the Elk's organization to allow a "bar" in a church.

Ms Samson asked the Council Members to consider the City's zoning laws and current Comprehensive Plan when making their decision to approve or deny the Special Use Permit by the Maryville Elks Lodge #760.

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 Special Use Permit requested by the Maryville Elks Lodge No. 3760, at 921 East Third Street Upon roll being called the vote was as follows: Councilwoman Martin, nay; Councilman Riggs, abstained; Councilman Shipley, abstained; Councilwoman Riedel, nay; Mayor McDowell, nay. Motion failed.

Councilman Riggs and Councilman Shipley returned to the Council Chambers to participate in the remainder of the Council Meeting.

**A RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL USU PERMIT TO THE NORTHEAST FOUNDATION, AT 640 NORTH COLLEGE**

The City Clerk presented a bill, Bill No. 2016'108 for an ordinance entitled:

**A RESOLUTION AUTHORIZING ISSUANCE OF A SPECIAL USE PERMIT TO THE NORTHWEST FOUNDATION, AT 640 COLLEGE AVENUE, MARYVILLE, MISSOURI**

The Northwest Foundation, Inc. would like to build an addition onto the existing Alumni House located at 640 College Avenue. The proposed renovations would include additional office space and off-street parking. The existing Alumni House is located in an R-2, Single Family Zone and is considered a non-conforming use. Section 405.420 of the Maryville Municipal Code states that any expansion of a non-conforming use be done only with special permission.

Land uses adjacent to the subject site are NWMSU to the north, single family dwellings to the south and to the west and non-conforming uses and single family dwellings to the east.

The proposed addition meets all other requirements of an R-2, Single Family Zone including yard setbacks, gross floor ratio, and height and ground coverage. Parking will be increased from 6 off-street spaces to 20 off-street spaces.

Sections 405.380, 405.390 and 405.400 -405.430 of the Maryville Municipal Code containing special use permit information, were reviewed.

On November 2, 2016, the Planning & Zoning Commission held a public hearing on the application and the committee unanimously voted to recommend approval to the City Council. The Northwest Foundation's proposed expansion of the Alumni House fits within the Civic Use guidelines of the Maryville Comprehensive Plan.

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.

A motion was made by Councilwoman Martin, seconded by Councilwoman Riedel, to approve the resolution for a Special Use permit requested by the Northwest Foundation, for 640 College Avenue, to expand the Northwest Alumni House. 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 Resolution No. 650 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF MARYVILLE**

The City Clerk presented a bill, Bill No. 2016'109 for a resolution entitled:

**A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF MARYVILLE.**

On August 22, 2016 the City entered into an agreement with Schneider Electric for a turnkey project to replace water meters throughout the system and significantly upgrade reading technology. The City intends to finance this project with proceeds from the issuance of tax-exempt debt in conjunction with the Mazingo Conference Center financing. Repayment of the debt will be realized through the capture of lost revenue due to replacing the existing meters with higher accurate infrastructure. The Energy Services Contract also includes a savings guarantee which ensures that Schneider is responsible for any savings discrepancies.

In addition to the Mazingo conference center and water meter replacement project, the total debt issuance package will include proceeds for a portion of the capital projects and equipment described in the budgets of the General Fund, the Capital

Improvement Fund and/or the Mazingo Lake Recreation Fund for the fiscal year ending September 30, 2017. These items will provide substitution capital projects for part of the overall conference center project.

A reimbursement resolution creates the option, but not the obligation, for the City to reimburse itself for construction or hard costs incurred related to the project from the proceeds of a tax exempt financing. Under federal tax laws, an issuer may reimburse itself with proceeds of tax-exempt bonds for certain expenditures made up to 60 days prior to the date of the reimbursement resolution.

Staff recommended approval of the proposed resolution to declare the official intent of the City, allowing the City to reimburse itself for meter replacement, infrastructure and capital expenditures paid prior to the issuance of the related debt.

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.

A motion was made by Councilwoman Martin, seconded by Councilwoman Riedel, to approve the proposed resolution to declare the official intent of the City, allowing the City to reimburse itself for meter replacement, infrastructure and capital expenditures paid prior to the issuance of the related debt. 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 Resolution No. 651 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE GENERAL WARRANTY DEED WITH THE REORGANIZED SCHOOL DISTRICT NO. R-II OF NODAWAY COUNTY, MISSOURI, COMMONLY KNOWN AS MARYVILLE R-II SCHOOL DISTRICT, FOR 110 S. FILLMORE**

The City Clerk presented a bill, Bill No. 2016'110 for an ordinance entitled:

**AN ORDINANCE TO EXECUTE GENERAL WARRANTY DEED WITH THE REORGANIZED SCHOOL DISTRICT NO. R-II OF NODAWAY COUNTY, MISSOURI, COMMONLY KNOWN AS MARYVILLE R-II SCHOOL DISTRICT, FOR 110 S. FILLMORE, MARYVILLE, MISSOURI.**

On August 24, 2015, the City Council approved a Memorandum of Understanding (MOU) with the Maryville R-II School District for the construction of Cabin No. 8 at Mazingo Lake Recreation Park. The MOU outlined a mutually beneficial agreement for construction of Cabin No. 8 by the Northwest Technical School to facilitate a technical education experience for students. The City provided building materials, plans, and a fuel stipend in exchange for student labor. In addition, the MOU indicated that the City would provide a vacant lot to Maryville R-II at a later date for further residential construction through the program.

In May 2013, the City bid the demolition of an unsafe and dangerous structure located at 110 S. Fillmore. The property owner refused to comply with a repair or demolition deadline through the Board of Code Appeals and municipal code process. A special tax bill was placed on the property for demolition costs and the lot was ultimately acquired from Nodaway County after a tax sale.

After completion of Cabin No. 8, staff proposed the vacant lot at 110 S. Fillmore to the Northwest Technical School to satisfy terms of the MOU and allow for residential construction through the program this Fall. The Northwest Technical School proceeded with construction while the City Attorney has been working to establish clear title on the property for transfer. On October 19<sup>th</sup>, a judgement was issued through a quiet title hearing providing the City outright title to the property.

The proposed ordinance provides a General Warranty Deed for the property at 110 S. Fillmore to the Maryville R-II School District to satisfy terms of the original MOU.

Staff recommended approval of the proposed ordinance to execute a General Warranty Deed for 110 S. Fillmore to the Maryville R-II School District. The construction of Cabin No. 8 was completed by the Northwest Technical School earlier this year and the facility is an asset to Mazingo Lake Recreation Park. The General Warranty Deed transfers clear title of 110 S. Fillmore to the school district to allow for proper sale of the property after residential construction by the Northwest Technical School is complete.

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 Riedel, seconded by Councilwoman Martin, to approve the proposed ordinance to execute a General Warranty Deed for 110 S. Fillmore to the Maryville R-II School District.. 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. 7911 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Upon its approval, the agreement was identified as Contract No. 2016-59.

**ORDINANCE TO EXECUTE A CONTRACT WITH IMEL MOTOR SALES FOR PURCHASE OF A 2009 INTERNATIONAL DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT**

The City Clerk presented a bill, Bill No. 2016'111 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH IMEL MOTOR SALES, FOR THE PURCHASE OF A 2009 INTERNATIONAL DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT, MARYVILLE, MISSOURI.**

The Street Maintenance Division of Public Works has a fleet of dump trucks primarily used for street maintenance and snow removal. The dump trucks are equipped with plows and salt spreaders during the winter months to apply salt mixture and remove snow.

Unit #318 is a 1988 Chevy C70 dump truck that has reached the end of its useful life. The unit has one hundred thirty-one thousand six (131,006) miles and has been used by the department as a salt truck. Over the last year, repairs have increased significantly with the need for new wiring throughout due to corrosion and rust. The unit also has brake concerns potentially causing safety issues without major repair. The truck was inoperable last winter due to the rear springs rusting out. Oil usage has increased eluding to future motor concerns.

Staff has analyzed various used trucks during the search for a new unit and has found a potential replacement. The proposed unit is a 2009 International Dump Truck with 124,000 miles. The unit has a new ten (10) foot Godwin Dump Bed with an eighteen (18) ton hoist. The unit is rust free and also includes a hydraulics system to run a plow or spreader which is necessary for efficient snow removal operations. The unit is located in Georgia at Imel Motor Sales who specializes in trucks for municipal operations.

The FY'17 Budget contains sixty thousand dollars (\$60,000) for the purchase of a used dump truck for the Street Maintenance Division of Public Works. The proposed 2009 International Dump Truck is quoted at fifty-nine thousand one hundred dollars (\$59,100) with an additional one thousand five hundred dollars (\$1,500) for delivery charges. Staff proposes utilizing six hundred dollars (\$600) from line item 10-13-3-399-00 to cover the overage.

Staff recommended approval of the proposed ordinance to execute a contract with Imel Motor Sales for the purchase of a 2009 International Dump Truck for the Street Maintenance Division of Public Works, in an amount not-to-exceed sixty thousand six hundred dollars (\$60,600). The unit replacement will allow for City staff to have adequate equipment for street maintenance and snow removal efforts.

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 Councilwoman Riggs, to approve the proposed ordinance to execute a contract with Imel Motor Sales for the purchase of a 2009 International Dump Truck for the Street Maintenance Division of Public Works, in an amount not-to-exceed six thousand six hundred dollars (\$60,600). 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. 7912 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Upon its approval, the agreement was identified as Contract No. 2015-60.

**ORDINANCE DECLARING THE RESULTS OF THE ELECTION HELD ON NOVEMBER 8, 2016 IN REGARDS TO THE TRANSIENT GUEST TAX**

The City Clerk presented a bill, Bill No. 2016'112 for an ordinance entitled:

**AN ORDINANCE DECLARING THE RESULTS OF THE ELECTION HELD IN THE CITY OF MARYVILLE, MISSOURI, ON NOVEMBER 8, 2016.**

On August 22, 2016, the City Council approved an ordinance to call an election in the City of Maryville regarding a transient guest tax proposal. The proposal placed a question on the November 8, 2016 ballot regarding a transient guest tax to enhance tourism and economic development efforts in the community.

A transient guest tax, also known as a "bed tax", is a fee charged on all sleeping rooms paid by the guests of hotels, motels, and licensed lodging facilities. State Statutes authorize up to five percent (5%) per occupied room per night with revenues specifically being used to advance tourism efforts. Under the proposal, transient guest tax revenue would be utilized to assist with the construction and operation of the Northwest Multipurpose Complex and for the creation and efforts of a Tourism Committee.

The Northwest Multipurpose Complex is a proposed one hundred thirty-seven thousand two hundred fifty (137,250) square foot recreation facility to be located on the campus of Northwest Missouri State University. The facility contains athletic features such as practice turf, indoor track, and in indoor flooring system to serve a wide variety of University and community activities. The project is estimated at twenty million dollars (\$20,000,000) and includes multiple funding sources such as private donors, university investment, and community through the proposed transient guest tax revenue. The facility is currently under design and is estimated to be under construction in the summer of 2017. If approved, the City would proceed with execution of a lease agreement to secure community access to the facility in exchange for one hundred fifty thousand dollars (\$150,000) over twenty-three (23) years or three million four hundred fifty thousand dollars (\$3,450,000) in construction and operation funding from the new revenue. Remaining revenues will be used by a Tourism Committee to advance other tourism efforts.

The Tourism Committee can be established by Municipal Code and serve as an advisory committee to the City Council. The committee will include representation from several organizations along with citizens to serve two purposes: 1.) Coordinate with the Northwest Missouri State University calendar for access to the Northwest Multipurpose Complex for events and general use, 2.) Recommend expenditures from additional transient guest tax revenue for community wide marketing, promotion, and tourism initiatives.

The election was held on November 8, 2016 with the following results: YES - 2,156 and NO - 1,659. The question required a simple majority for passage and received a fifty-seven percent (57%) approval from voters.

The transient guest tax estimates are based on current hotel occupancy rates and will generate approximately two hundred fifteen thousand dollars (\$215,000) annually for the promotion of tourism. Under the proposal, one hundred fifty thousand dollars (\$150,000) for twenty-three (23) years would be placed toward the construction and operation of the twenty million dollar (\$20,000,000) multipurpose complex at Northwest Missouri State University. The remaining sixty-five thousand dollars (\$65,000) will be advised by a Tourism Committee for expenditures relating to tourism marketing and promotion of the community. It is also assumed that when constructed, the multipurpose complex will complement the Mozingo Conference Center, further boosting hotel occupancy rates and bed tax revenues.

The transient guest tax is authorized by Section 67.10003.1 of the Revised Missouri State Statutes. The multipurpose complex is also a strategic priority of Northwest Missouri State University in the recently adopted Campus Master Plan.

Staff recommended approval of the proposed ordinance declaring the results of the election held on November 8, 2016 regarding the transient guest tax. The multipurpose complex will enhance community offerings potentially attracting thousands of visitors to Maryville on an annual basis boosting local business sales and hotel occupancy rates. In addition the facility has numerous community uses through partnerships with Maryville Parks & Recreation, Maryville R-II, Greater Maryville Chamber of Commerce and Nodaway County Economic Development. Revenue generated by the transient guest tax will not only play a critical role in construction and operation of the facility, but will allow for other tourism initiatives by various community groups. The transient guest tax only applies to those staying in local lodging facilities.

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 declaring the results of the election held on November 8, 2016 regarding the transient guest tax. 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. 7913 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 PROFESSIONAL TURF PRODUCTS, L.P. FOR IRRIGATION CONTROL SYSTEM EQUIPMENT**

The City Clerk presented a bill, Bill No. 2016'113 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE TO EXECUTE A CONTRACT WITH PROFESSIONAL TURF PRODUCTS, L.P. FOR THE PURCHASE OF IRRIGATION CONTROL SYSTEM EQUIPMENT AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI.**

The FY'17 Budget contains twenty-six thousand dollars (\$26,000) towards the purchase of equipment to complete the irrigation equipment upgrade at the Mozingo Lake Recreation Park golf courses started in 2014. In 2014, the Watson 9 course was constructed with a modern irrigation control system that allows for the efficient management of water usage and energy consumption from a remote staff office or from a handheld remote device. At that time, an irrigation system from TORO was chosen because it is expandable and would be compatible with our existing sprinklers, piping and pump station. The benefit of this upgrade is more precise control and feedback resulting in less wasted water, savings on our electrical bill, less wear on the pump station and underground piping and a shortened water cycle allowing us to irrigate all twenty-seven (27) holes in the same time frame as the original 18. In FY16, the City budgeted twenty-five thousand dollars (\$25,000) in the Mozingo Fund budget to upgrade the irrigation system on a portion of the Sechrest 18 to match the Watson 9 system. This request will complete the overall irrigation system upgrade.

Two (2) quotes were provided from Professional Turf Products out of Tulsa, Oklahoma for the necessary irrigation equipment upgrade. Professional Turf Products, L.P. is the designated regional Toro dealer for Mozingo. The equipment to be purchased are satellite controllers and support equipment that will remotely control individual sprinkler heads. For the satellite controllers, staff is recommending the purchase of refurbished satellite controllers to reduce the overall cost of the irrigation project. The remainder of the quotes are related to proprietary Toro control support systems. This system will allow the sprinkler heads to be operated independently of each other instead of as a group as the current system requires.

Since existing irrigations systems are Toro and there are proprietary controls on the equipment, we are limited to purchasing a Toro Control System and utilizing Toro equipment to ensure compatibility. Additionally, Toro has its dealer network set up in territories that will not allow one dealer to compete with another. This restricts the City to Professional Turf Products, L.P. as a single-source supplier for any equipment related to the irrigation system.

In instances such as this, the City of Maryville Procurement Policy states in part:

*Section 150.090.G.1: "Those items that cost more than five thousand dollars (\$5,000.00) shall require formal bid procedures unless otherwise directed by the City Manager. Written confirmation of price(s) shall be required as directed by the City Manager. Proposals and competitive bid requirements may be waived, upon City Manager approval, if the items can only be acquired from a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered."*

The FY'17 Budget includes twenty-six dollars (\$26,000) towards the purchase of equipment to complete the irrigation system upgrade to the Sechrest 18 golf course. Staff has received a quote for the necessary irrigation equipment from Professional Turf Products, L.P. out of Tulsa, Oklahoma.

The quote includes the following items,

Item	Description	Quantity	Unit Price	Total
Item# RDRT0160LVNO	Satellite Controller	6	\$1,680.00	\$10,080.00
Item # R-E-48P6ANM4	Satellite Controller	2	\$2,699.02	\$5,398.04
Item # M996-21	Osmac Adaptor Kits	13	\$119.00	\$1,547.00
Item #Used-RDR-Hydr. 24V	Satellite Controller (Refurbished)	7	\$852.60	\$5,968.20
Item # Vertex VX-459	Radio	1	\$700.00	\$700.00
<b>Total:</b>				<b>\$23,693.24</b>

The Osmac Adaptor Kits were not included in the quotes provided in the packet & were added by staff after receiving the quotes. However, the Osmac Adaptor Kits are necessary equipment to attach the new satellite controllers onto existing irrigation pedestals on the golf course.

Staff recommended approval of the proposed ordinance to execute a contract with Professional Turf Products, L.P. for the purchase of irrigation system equipment. The appropriate satellite controllers and adaptor kits from Professional Turf Products, L.P. (Toro) will finalize the upgrade to the irrigation system on the Sechrest 18 at Mozingo Lake Recreation Park. The FY17 budget allocated twenty-six thousand dollars (\$26,000) for this purchase and the quote of twenty-three thousand six hundred ninety-three and 24/100 (\$23,693.24) is under budget.

There are several benefits with the irrigation system upgrade. In 2014, the Watson 9 course was constructed with a modern irrigation control system that allows for the efficient management of water usage and energy consumption from a remote staff office or from a handheld remote device. Continuing to update the irrigation system will increase the compatibility of the new irrigation systems. As a result of the Watson 9 irrigation system, Mozingo already owns the central computer and communication interface necessary to run the updated equipment and staff has been trained to operate and install the proposed system.

Additionally, the newly installed irrigation equipment increases the efficiency of the irrigation system, leading to reduced amounts of water usage, as well as energy use of the irrigation system. Staff will also be able to provide a better conditioned golf course at a reduced expense and reduced labor. Finally, the irrigation system upgrades also provide the capacity and equipment to tie into any irrigation systems that may result from future site developments, such as a conference center and hotel.

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 Riedel, seconded by Councilwoman Martin, to execute a contract with Professional Turf Products, L.P. for the purchase of irrigation system equipment. 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. 7914 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Upon its approval, the agreement was identified as Contract No. 2015-61.

**AN ORDINANCE TO EXECUTE A LAND LEASES FOR HANGAR AT NORTHWEST MISSOURI REGIONAL AIRPORT FOR THE PURPOSE OF HARBORING AIRCRAFT**

The City Clerk presented a bill, Bill No. 2016'114 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A LAND LEASE FOR HANGARS WITH MATT AND JILL BAKER, FOR THE PURPOSE OF HARBORING AIRCRAFT AT NORTHWEST MISSOURI REGIONAL AIRPORT, MARYVILLE, MISSOURI.**

On December 12, 2012, the City Council approved a resolution to adopt revisions to the Northwest Missouri Regional Airport Land Lease for Hangars and Specifications for Hangar Construction. Changes were made to the land lease to encourage additional hangar construction on the property, which included extending the lease term from ten (10) to twenty (20) years, increasing the rental rates, reducing the premises liability and insurance required, and providing additional rights of entry for city inspections.

Matt and Jill Baker recently purchased a hangar that measures nine hundred forty-two and one half square feet of space. The land lease agreement is for an annual fee of two hundred seven and 35/100 dollars (\$207.35). Upon approval the leases commence January 1, 2017 and shall terminate on December 31, 2037. The rental rate is modified on a five (5) year basis according to the Consumer Price Index (CPI).

Staff recommended approval of the proposed ordinances to execute Land Lease for the hangar at Northwest Missouri Regional Airport for the purpose of harboring aircraft. All lessees' are required to provide the proper insurance certificates



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 Riedel, seconded by Councilwoman Martin, to execute a Land Lease with Matt and Jill Baker, for a hangar at Northwest Missouri Regional Airport for the purpose of harboring aircraft. 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. 7915 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Upon its approval, the agreement was identified as Contract No. 2015-62.

**AN ORDINANCE TO EXECUTE A LAND LEASE FOR HANGAR AT NORTHWEST MISSOURI REGIONAL AIRPORT FOR THE PURPOSE OF HARBORING AIRCRAFT**

The City Clerk presented a bill, Bill No. 2016'115 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A LAND LEASE FOR HANGARS WITH FLYING COW, LLC (CHAD MULLINS), FOR THE PURPOSE OF HARBORING AIRCRAFT AT NORTHWEST MISSOURI REGIONAL AIRPORT, MARYVILLE, MISSOURI**

On December 12, 2012, the City Council approved a resolution to adopt revisions to the Northwest Missouri Regional Airport Land Lease for Hangars and Specifications for Hangar Construction. Changes were made to the land lease to encourage additional hangar construction on the property, which included extending the lease term from ten (10) to twenty (20) years, increasing the rental rates, reducing the premises liability and insurance required, and providing additional rights of entry for city inspections.

The Flying Cow, LLC, owned by Chad Mullins recently purchased a hangar that measures one thousand two hundred fifty-five and one half square feet of space. The land lease agreement is for an annual fee of two hundred seventy-six and 21/100 dollars (\$276.21). Upon approval the leases commence January 1, 2017 and shall terminate on December 31, 2037.

The rental rate is modified on a five (5) year basis according to the Consumer Price Index (CPI).

Staff recommended approval of the proposed ordinances to execute Land Lease for the hangar at Northwest Missouri Regional Airport for the purpose of harboring aircraft. All lessees' are required to provide the proper insurance certificates

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 Land Lease agreement with Flying Cow, LLC, for a hangar at Northwest Missouri Regional Airport for the purpose of harboring aircraft. 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. 7916 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Upon its approval, the agreement was identified as Contract No. 2015-63.

**REPORTS**

**I. Student Liaison to Council**

- Northwest Liaison Jacob Barnes congratulated the City on the victory in passing the five percent (5%) Transient Tax approved by voters on the November 8, 2016 ballot.
- Members of the City Council were invited to join the Student Senate of Northwest Missouri State University at their meetings, held on Tuesday evening at 7:00 p.m., 3<sup>rd</sup> floor in the Board Meeting room.

**II. City Manager**

- *Missouri Department of Transportation Transfer Documents* - Over the past year, staff has been working with the Missouri Department of Transportation (MoDOT) to complete negotiated agreements from November 9, 2015

in regards to right-of-way in southern Maryville. MoDOT has provided access to southbound Highway 71 from 285th Street for roadway improvements adjacent to Kawasaki Motors Manufacturing, Inc. and also permitted development a Fountain Park. To complete other agreed upon items, MoDOT has provided staff with draft agreements for relinquishing the right-of-way of South Main from Hwy V to the Bypass and the excess right-of-way parcel of land adjacent to Kawasaki. A draft agreement has also been provided for maintenance responsibilities on the future slip ramp from 285th Street to Highway 71. Staff will place both agreements on the November 28th City Council Meeting for consideration. The negotiated agreements between MoDOT and the City of Maryville are ultimately anticipated to improve the long-term function of South Main Street, clarify maintenance roles between the organizations, and facilitate traffic improvements for adjacent properties such as Kawasaki Motors Manufacturing, Inc.

- *City Manager Credentialed by ICMA* - Greg McDanel, City Manager of Maryville has received the Credentialed Manager designation from the International City/County Management Association (ICMA). The credentials represent a commitment to education, experience, and a demonstrated commitment to high standards of integrity and life-long professional development. The organization has over ten thousand (10,000) members in twenty-seven (27) countries, however only one thousand four hundred (1,400) local government management professionals are currently credentialed with only thirty (30) in Missouri. The credentials are a testament to the City Council's expectations of professional management and continued support for training and employee betterment.
- *Maryville Among 10 Safest Mid-Sized Cities in Missouri* - Consumer research company Value Penguin has published a study showing Maryville is among the 10 Safest Mid-Sized Cities in Missouri. The rankings are based on a variety of crime metrics sourced from the Federal Bureau of Investigation across 123 Missouri cities. According to the rankings with 1 =Best and 61 =Average, Maryville ranks sixth (6<sup>th</sup>) in the Mid-Sized City Rank, 16th in Property Crime, 23rd in Overall Safety Rank, and 36th in Violent Crime. The rankings are reflective of a rural community with exceptional law enforcement from Maryville Public Safety, Nodaway County Sheriff's Office, Nodaway Prosecuting Attorney's Office, Northwest Police Department, and the Missouri Highway Patrol. The entire report can be found at <https://www.valuepenguin.com/2016/safest-places-missouri>.
- *Conference Center at Mozingo Lake Recreation Park* - The City Council awarded a contract to low bidder E.L. Crawford Construction, Inc. on November 9, 2016 for the construction of the Conference Center at Mozingo Lake Recreation Park. The contract amount of five million seven hundred thousand (5,700,000) was offset by nearly one million two hundred thousand dollars (\$1,200,000) in change order deducts representing value engineering items on the project. The total construction cost of \$4.57 million is within original financing and bonding capacity to allow the project to move forward. E.L. Crawford Construction, Inc. is executing documents, providing proper insurance and plans on mobilizing within the next ten (10) days. The contractor plans on working through the winter to keep the project on schedule for opening in the fall of 2017. The twenty-six thousand (26,000) square foot facility represents the top priority of the Mozingo Master Plan and will feature nearly eight thousand (8,000) square feet of flexible high-end meeting space, a full-service restaurant, and golf pro-shop.
- *Boulders Inn & Suites at Mozingo Lake Recreation Park*- Construction of the private Boulders Inn & Suites at Mozingo Lake Recreation Park remains on schedule with the contractor continuing siding and decorative stone features. Boulders Inn Maryville, LLC, anticipates opening the facility in March 2017.
- *Golf at Mozingo Lake Recreation Park*- Provided below is a summary of rounds played at Mozingo Lake Recreation Park over the past three (3) years. Since 2014, Mozingo has increased the total amount of rounds played from twenty thousand one hundred (20,100) in 2014 to twenty-five thousand (25,000) in 2016, which is an increase of four thousand nine hundred (4,900) rounds in a three (3) year period. Across the board, Mozingo has seen an increase in overall course play, especially in the areas of Junior Golf and league numbers:

Activity	2014	2015	2016
9-hole rounds	4,172	3221	5,700
18-hole rounds	15,928	19,079	19,300
<b>Total rounds</b>	<b>20,100</b>	<b>22,300</b>	<b>24,000</b>
Tournaments/Events	56	58	61
Youth golf camp players	98	120	173 (450 Watson 9 since late May)
<b>League numbers</b>	<b>Totals - 3,242</b> Senior's - average 62 Ladies - average 22 Men's - 90	<b>Totals - 3,448</b> Senior's - average 66 Ladies - average 66 Men's - 90	<b>Totals - 4,134</b> Senior's - average 78 Ladies - average 35 Men's - 106

- *Runway 14/32 Rehabilitation Project at Northwest Missouri Regional Airport-* The runway rehabilitation project is now expected to be complete by December 3, 2016. Ideker Construction has started pouring the final phase of concrete with completion expected later this week. Final installation of runway lights, final grading, runway painting, final grading and seeding will begin once the concrete work is finished. Given the time of year, it is likely that Ideker will be required to return to the airport this spring for final grass seeding and final site restoration.

**III. Council**

- Councilwoman Martin announced the Open-House and Ribbon cutting scheduled for November 19, 2016. Everyone was encouraged to come and see the hydroponic greenhouse.
- Mayor McDowell attended the renaming of the Memory Care unit at Oak Point Assisted Living and Memory Care facility. It was renamed “Aspen Village”

**ADJOURNMENT**

Motion was made by Councilman Shipley seconded by Councilman Riggs, that the meeting be adjourned. Upon the 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 8:11 p.m.

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Rachael Martin, Mayor Pro-Tem

ATTEST:

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Sheila Smail, City Clerk