

**Maryville City Council**  
**Regular Scheduled Meeting**  
**July 9, 2012**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 9, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING PROPOSED REZONING OVERLAY**

Mayor Jonagan opened a Public Hearing to hear from those present regarding the proposed rezoning ordinance for Overlays.

Code Enforcement Officer Jim Wiederholt reviewed the proposed rezoning overlay concept and explained the purpose of the non-conforming use and its requirement.

With no further discussion, Mayor Jonagan closed the public hearing.

**ROLL CALL**

The meeting was called to order by Mayor Jonagan and roll was called by the City Clerk, with the following present to-wit: Mayor Glenn Jonagan, Council Members Ronnie Moss, James Fall, and Jeff Funston. Councilwoman Renee Riedel was not present. Others present were City Manager Greg McDanel; City Attorney Doug Thomson; Dir., Finance Denise Town, Dir. Public Works C.E. Goodall, Dir., Public Safety Keith Wood and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Jonagan led the pledge to the flag.

**INVOCATION**

Pastor Jonathon Mitchell, First Presbyterian Church, gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Jonagan requested any changes needed to the agenda, be noted at this time. With no changes noted motion was made by Councilman Fall, seconded by Councilman Funston, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

**APPROVAL OF MINUTES**

Mayor Jonagan requested any changes needed to the minutes of Council meetings held June 8, 11, and 25, 2012 be noted at this time.

Motion was made by Councilman Moss, seconded by Councilman Fall, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

**TREASURER'S REPORT**

Non-reoccurring bills to be paid included a payment to HDR Engineering for the Wastewater Treatment Plant (\$78,984.65); three (3) to White Cloud Engineering for the pump station repairs at golf course (\$19,650.00), for I & I work (\$40,592.19), and Equestrian Trail Bathhouse Sewer System (\$37,740.00); Professional Turf, for a bank mower for Golf Maintenance (\$29,939.03); ACE Pipe Cleaning, to replace manholes, (\$18,375.80); and MIRMA, for annual premium (\$311,472.00).

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve the Treasurer's Report as presented. Upon the roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

**PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Fall, seconded by Councilman Moss, to approve the payment of bills, as presented. Upon the roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

**APPOINTMENT/REAPPOINTMENT OF LIBRARY BOARD MEMBERS**

Stephanie Patterson, Director of the Maryville Public Library, had requested that the City Council consider reappointment of two of the three (3) members who's terms that expired July 1, 2012. Board Member Julie Filips began serving in July 2006, and Member Delbert Biehle began in 2003, completing an unexpired term.

Larry Anderson became a member of the board in 2003, and has fulfill three (3) consecutive term, which is the maximum allowed by State Statute for a Library Board at least until two (2) years have passed since his last term has ended. Therefore, an opening on the Library Board has occurred. Dustin Henggeler had made application to be considered for the

open position.

Motion was made by Councilman Fall, seconded by Councilman Funston, that Dustin Henggeler be appointed to the Maryville Library Board, for a three (3) year term. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

**AMENDMENT OF CHAPTER 405: ZONING CODE, MARYVILLE MUNICIPAL CODE**

The City Clerk presented a bill, Bill No. 2012'55 for an ordinance entitled:

**An Ordinance Amending Chapter 405: Zoning Code of the Municipal Code of Maryville by Adding Sections Regarding the Creation of Zoning Overlay Districts**

In early 2011, the City of Maryville began working with RDG Planning & Design on a two (2) phase community planning project according to the approved scope of services. Phase I consists of a Zoning Ordinance Update and Phase II is the creation of a Comprehensive Plan.

During Phase I, Zoning Ordinance Update, RDG has assisted with issue identification, stakeholder meetings, data collection, updated maps, and draft zoning revisions. RDG proposed these zoning changes to the Planning and Zoning Commission at the May 9, 2012 meeting for approval and further recommendation to the City Council.

RDG had recommended the creation of Zoning Overlay Districts in the Northwest quadrant of town to assist in proper growth and addressing the conversion of single-family homes into rental units. Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identify special provisions in addition to those in underlying base zones. RDG recommended the creation of two types of overlay districts:

- *University Neighborhood Overlay District:* The district intent is to conserve the predominately single-family historic neighborhoods near Northwest Missouri State University. The district is proposed to strike a balance between the interests of owner-occupants, investor-owners, and people seeking housing in the district. Permitted uses, family unit, and site development regulations for this district are included in the ordinance and will be briefly discussed at the meeting.
- *Campus Town Overlay District:* The district intent is to encourage the location of rental residential adjacent to the Northwest Missouri State campus and away from other predominantly single-family residential neighborhoods. The district permits mixing of residential uses and densities. Permitted uses, family unit, and site development regulations for this district are included in the ordinance and will be briefly discussed at the meeting.

The proposed ordinance amends Chapter 405: Zoning Code to formally create the overlay districts and specifically defines the location of two (2) separate University Neighborhood Overlays and one (1) Campus Town Overlay. A public hearing on the proposed zoning districts was held previously on July 9th with proper notification per the state statute. Section 405.025: Overlay Districts, Section 405.325: Campus Town Overlay District, and Section 405.326: University Neighborhood Overlay District, and was proposed to be added to the Maryville Municipal Code.

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

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

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'55, to add Section 405.025, Sections 405.325 and 405.326, regarding zoning overlay districts. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7432 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AMEND CHAPTER 405: ZONING CODE BY REGISTRATION PROCESS, NON-CONFORMING USES**

The City Clerk presented a bill, Bill No. 2012'56 for an ordinance entitled:

**An Ordinance Amending Chapter 405: Zoning Code of the Municipal Code of Maryville, by Amending the Registration Process of all Non-Conforming Uses**

Due to the newly created Zoning Overlay Districts, all non-conforming uses will be required to register with the City of Maryville for proper implementation and code enforcement, within one hundred twenty (120) days after any change in the zoning ordinances, that effect that property. The City will provide the affected property owners notice within fifteen (15) days

of the zoning change. The proposed ordinance will allow staff to proceed in providing notice to property owners in the University Neighborhood Overlay District and Campus Town District.

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

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

Motion was made by Councilman Fall, seconded by Councilman Funston to approve Council Bill No. 2012'56. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7433 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AMEND CHAPTER 405: ZONING CODE, BY ADDING A DEFINITION FROR ACCESSORY RENTALS**

The City Clerk presented a bill, Bill No. 2012'57 for an ordinance entitled:

**An Ordinance Amending Chapter 405: Zoning Code of the Municipal Code of Maryville, by Adding a Definition for Accessory Rentals**

Combined with the University Neighborhood Overlay District and Campus Town Districts, a Council Bill giving a definition for an "Accessory Rental", was presented to the City Council for consideration.

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

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve Council Bill No. 2012'57, to approve the definition presented for an Accessory Rental. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No.7434 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AMEND CHAPTER 715: SEWERS – DISCHARGE OF INDUSTRIAL WASTE**

The City Clerk presented a bill, Bill No. 2012'58 for an ordinance entitled:

**An Ordinance Amending Chapter 715: Sewers-Discharge of Industrial Waste of the Municipal Code of Maryville Regarding Local Pollutant Limits**

PeopleServices, Inc. has been working with city staff to revise the local industrial pretreatment program approved by the Missouri Department of Natural Resources, Water Protection Department. The reduction of the amount of pollutants in wastewater prior to the induction into the publically owned Treatment works is critical to the continued operation of the system. Several local industries have received notice of violations in the past due to the current process of pollutant limits.

June 18, 2012, the City of Maryville was notified that the Missouri Department of Natural Resources has approved the request to convert the local limit for Biochemical Oxygen (BOD) and Total Suspended Solids (TSS) to mass limits in the industrial user discharge permits. The revision is not seen as substantial to the Department of Natural Resources, but will be a crucial improvement to our local industries. The proposed changes are as follows:

	Current Limit	Proposed Limit
Metal		
BOD5	200 mg/l	100 lbs
Total suspended solids	300 mg/l	130 lbs

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

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

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'58. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7435 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**SUPPLEMENT AGREEMENT, OLSSON ASSOCIATES; PROJECT NO 08-002A-1, AIRPORT FUEL SYSTEM**

The City Clerk presented a bill, Bill No. 2012'59 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an Aviation Project Consultant Supplemental Agreement No. 1, with Olsson Associates, for the Purpose of Providing Construction Services for Project No. 08-002A-1, Airport Fuel System, Maryville, Missouri**

State Block Grant Project No. 08-002A-1, will furnish Northwest Missouri Regional Airport with a new 100LL AVGAS & Jet-A Fuel System. The project includes installing two (2), 10,000 gallon above ground fuel storage tanks, related plumbing and electrical work, a self-service card reader, and installing associated lighting, fencing, and signage. The project was awarded to Double Check, Inc. on May 14, 2012.

On October 10, 2010, the city executed an agreement with Olsson Associates to provide engineering and design on the project. Now that construction of the project has been awarded, staff recommended entering into a supplemental agreement with Olsson to provide additional construction services. Per the supplemental agreement, Olsson will provide construction administration, on-site construction observation, and materials testing during the construction of the project.

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

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

Motion was made by Councilman Fall, seconded by Councilman Moss, to approve Council Bill No. 2012'59. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7436 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and made a part of the original agreement, Contract No 2010-41.

**SUPPLEMENTAL AGREEMENT, MO HWY AND TRANSPORTATION COMMISSION, PROJECT NO 08-002A-1**

The City Clerk presented a bill, Bill No. 2012'60 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an Aviation Project Consultant Supplemental Agreement No. 1, with the Missouri Highway and Transportation Commission, for the Purpose of Providing Funds for Project No. 08-002A-1, Airport Fuel System, Maryville, Missouri**

State Block Grant Project No. 08-002A-1, will furnish Northwest Missouri Regional Airport with a new 100LL AVGAS & Jet-A Fuel System. The project includes installing two (2), 10,000 gallon above ground fuel storage tanks, related plumbing and electrical work, a self-service card reader, and installing associated lighting, fencing, and signage. The project was awarded to Double Check, Inc. on May 14, 2012.

On February 28, 2011, the City entered into a State Block Grant Agreement with Missouri Highways and Transportation Commission allocating \$339,741 in grant funds to assist with the design and installation of the fuel system. Now that construction and additional construction observation services have been approved, the City petitioned the Commission for additional funding sufficient to cover the entire project. Amendment No. 1 to the original State Block Grant Agreement allocates an additional \$109,000 to Project No. 08-002A-1 and extends the completion date of the project from June 30, 2012 to December 31, 2012.

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

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

Motion was made by Councilman Fall, seconded by Councilman Moss, to approve Council Bill No. 2012'60. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7437 and was duly passed, adopted and was thereupon signed by the Mayor

and attested by the City Clerk and made a part of the original agreement, being Contract No 2011-07.

## **AGREEMENT WITH MISSOURI DEPARTMENT OF CORRECTIONS, SUPERVISED WORK RELEASE**

The City Clerk presented a bill, Bill No. 2012'61 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an Agreement with the Missouri Department of Corrections, Division of Adult Institutions, Maryville Treatment Center, for Providing a Supervised Work Release Program, Maryville, Missouri**

The Missouri Department of Corrections, Divisions of Adult Institutions, Maryville Treatment Center requests that the City enters into a Supervised Work Release Program Agreement for the purpose of providing an offender the opportunity to participate in a supervised work release program, by providing labor for the City of Maryville. The program allows certain offenders to gain work skills and knowledge of productive habits.

Staff has utilized the program with the Maryville Treatment Center successfully for several years which has allowed the diversion of resources to other projects. Renewal of the agreement will allow for up to six (6) offenders, Monday through Friday from 7:30 a.m. to 12:30 p.m. Offenders are allowed to perform ground maintenance, including litter pick up, cutting grass, tree trimming, brush cutting, weed eating, painting, and trash collection. Currently, the Public Works Department uses offenders at the City's transfer station operation and cemetery.

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

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

Motion was made by Councilman Funston, seconded by Councilman Moss, to approve Council Bill No. 2012'61. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7438 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and identified the agreement as Contract No 2012-31.

## **REPORTS**

### **I. City Manager**

- *Peach Creek Storm Water Maintenance* – The City has received quotes from local contractors to assist staff with drainage work on the south end of town along Peach Creek. Peach Creek handles several watersheds in the community and often creates major storm water issues during high rain events. The project will include clearing and opening the channel in phases and begin south of Highway “V” continuing north along the corridor. Work on the project is expected to begin July 16th.
- *Financial Advisor RFQ* – The City of Maryville has requested qualifications from firms interested in providing a full range of financial advisory services for a three (3) year period. Proposals will be accepted until 4:00 p.m. on July 13, 2012. The financial advisor will serve as the City's consultant on debt financing projects, provide various financial advices, and manage the bond financing process.
- *Solid Waste Transfer Station Hauling Services RFP* – The City of Maryville is requesting proposals for a firm to provide for the hauling of municipal solid waste from the Maryville Transfer Station to a state approved landfill. Proposals will be accepted until July 13, 2012 at 10:00 a.m., local time. The new contract for hauling services is anticipated to begin in early August.
- *Northwest Missouri Regional Airport Pavement Repair* – June 25, 2012, intensive heat forced a large section of pavement to buckle at Northwest Missouri Regional Airport. The airport runway was immediately closed for the safety of aircraft. Emergency repairs were performed by Loch Sand & Construction Co. the following day, which included the removal and replacement of a 25'x 25' section of runway.
- *19th Street Water Supply Changeover* – The City has acquired the rights form Public Water Supply District (PWSD) #1 to provide water supply to fifty-four (54) meters in the general area of W. 19th Street. The sent an informational letter with details about the project. The project is anticipated to begin Monday, July 23rd. The contract with PWSD#1 also allows the City of Maryville to expand its territorial service area in the future ensuring properties within the city limits will receive city provision of services.

- *Comprehensive Plan* – RDG Planning and Design and city staff continue to work on Phase 2 of the Comprehensive Plan. The plan currently contains seven (7) chapters and the city has reviewed the six (6) chapters provided. RDG anticipates the remaining chapter regarding implementation is expected to be complete in July.

## **II. Council Members**

- Mozingo Advisory Board has had discussions with the Northwest Missouri State University (NWMSU) the proposal of an Advanced Advertising Strategies class to assist in the rebranding of Mozingo Lake Park and Mozingo Golf.
- The Equestrian Trail Bathhouse and Camping area has been completed. The operations of the area will be discussed at the next meeting.
- The status of the water levels at the new water towers was questioned. The valve is scheduled to be installed on the Edwards Street water tower when the maintenance and repainting is done, which is scheduled for mid to late August.
- The Fireworks display at Mozingo Lake on the 4<sup>th</sup> of July was reported to have gone well.
- MML Conference is scheduled for September 17-19, 2012, at Tan-Tar-A.

## **ADJOURNMENT**

Motion was made by Councilman Funston seconded by Councilman Fall that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried. Meeting was adjourned at 8:08 p.m.

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Glenn Jonagan, Mayor

ATTEST:

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Sheila Smail, City Clerk