

# Maryville City Council

## Regular Scheduled Meeting

March 11, 2019  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in a regular session on Monday, March 11, 2019, at 7:00 pm, at City Hall, 415 North Market Street, in said City.

### **ROLL CALL**

The meeting was called to order by Mayor Martin and roll was called by the Administrative Assistant, with the following present to-wit: Mayor Rachael Martin, Council Members, Jason McDowell, Matt Johnson, Benjamin Lipiec. Councilman Tye Parsons arrived at 7:36 p.m.

Others present were City Manager Greg McDanel; Asst. City Manager Ryan Heiland; Dir., Public Safety Keith Wood; Human Resource Manager Roxanne Reed; Dir., Parks and Recreation Jeff Stubblefield and Administrative Assistant Heather Griffith.

### **PLEDGE TO THE FLAG**

The pledge to the flag was led by Mayor Martin.

### **INVOCATION**

The invocation was given by Councilman Lipiec.

### **APPROVAL OF THE AGENDA**

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

Motion was made by Councilman McDowell, seconded by Councilman Lipiec, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Lipiec, yea; Councilman McDowell, yea; Councilman Johnson, yea; Mayor Martin, yea. Motion carried.

### **APPROVAL OF MINUTES**

Mayor Martin requested any changes needed to the minutes of February 12<sup>th</sup> and 25<sup>th</sup>, 2019, be noted at this time. No changes were noted.

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

### **CITIZENS TO BE HEARD**

Mayor Martin 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 citizens were present to be heard.

### **AUDITOR'S REPORT FOR FY'18 – HOSCHILD, BLOOM AND COMPANY, LLC**

Each year the City's financial records are audited by an independent accounting firm. In addition, a Single Audit is performed if the City receives \$750,000 or more in federal financial assistance. On March 28, 2016 the City approved a contract with Hochschild, Bloom & Company, LLP to perform the audit for the fiscal years ending September 30, 2016 through 2020. The audit is conducted in accordance with U.S. generally accepted auditing standards and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and includes tests of the accounting records of the City and other procedures.

Mike Williams, a partner at Hochschild, Bloom & Company, presented the audit report and a broad overview of the City's financial statements.

The full financial disclosure provided by the Comprehensive Annual Financial Report (CAFR) serves a number of purposes for the general public, investors and other interested groups. One of the most significant purposes is that it provides a valuable insight into how city officials manage public finances and lends insight into the financial health of the City. The CAFR promotes citizen and investor trust through financial transparency, and is used to evaluate creditworthiness when the City issues bonds to finance projects.

### **TREASURER'S REPORT**

Dir., Finance Denise Town, provided the February 2019 monthly financial reports. The City received non-reoccurring funds for the month of December from Polk Township for second installment on Hawk Road paving project (\$10,000).

Non-reoccurring disbursements for February 2019 included payments to UMB Bank, Series 2018 COP's interest (\$149,482.83); UMB Bank, Series 2017 COP's principal (\$525,000); UMB Bank, Series 2017 for interest (\$109,675); UMB Bank, Series 2018 GO Refunding Bonds principal (\$265,000); UMB Bank, Series 2018 GO Refunding Bonds interest (\$45,709.37).

Bond Cash - Series 2018 COP Disbursements included JD Bishop for concrete improvements on Aurora Ave. (\$26,753.60); William Spurgeon Kuhl & Freshnock (\$4,348.95).

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

#### **PAYMENT VENDOR SCHEDULE**

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

#### **AN ORDINANCE TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRANSPORTATION ALTERNATIVES FUNDS AGREEMENT FOR THE TORRANCE STREET TRAIL EXTENSION, PROJECT NO. TAP-9900 (129)**

The City Clerk presented a bill, Bill No. 2019'08 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TRANSPORTATION ALTERNATIVES FUNDS PROGRAM AGREEMENT, FOR THE TORRANCE STREET TRAIL EXTENSION, PROJECT NO. TAP-9900 (129), MARYVILLE, MISSOURI.**

The City of Maryville was notified by the Missouri Department of Transportation (MoDOT) on January 9, 2019 that the Transportation Alternatives Committee had selected the City's application for Transportation Alternative Program (TAP) funds for the Torrance Street Trail Extension, Project No. TAP-9900 (129). Transportation Alternative Program (TAP) funds are authorized under the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) to provide for a variety of alternative transportation projects. The TAP replaced the funding from the pre-MAP-21 programs including Transportation Enhancements, Recreational Trails, Safe Routes to School, and Scenic Byways, wrapping them into a single funding source.

The Torrance Street Trail Extension, Project No. TAP-9900 (129) will enhance Maryville's pedestrian and bicycle trail system by extending an eight (8) foot wide concrete trail approximately one thousand six hundred (1,600) linear feet from S. Walnut Street to S. Munn Ave. The project is located in a dense residential neighborhood immediately adjacent to Munn Avenue which is noted as a Major Collector on MoDOT's functional classification system. The area has no sidewalks and is comprised of predominately single-family households. The proposed trail extension will be designed off-street to allow for safe separation of pedestrians from vehicular traffic and provide full ADA compliance with proper cross-slopes, drive approaches, and street crossings.

Extension of the existing trail along Torrance Street creates a strategic connection to six (6) additional trail projects constructed since 2008. Construction of the project will physically connect the western trail projects of the Phase M-Hospital to Middle School Trail, STP-9900 (113), Spoohound Trail Extension, TAP-4300 (109), the Munn Avenue Reconstruction Project of 2014, and the Munn Avenue Trail Extension, STP-4300 (108) with eastern trail projects of 2008 Safe Routes to Schools, SRTS-INF-H101 (002), and the 7<sup>th</sup> to 9<sup>th</sup> Street Trail, STP-9900 (110). By connecting the trail system with the proposed project, residents in adjacent neighborhoods will have pedestrian access to activity centers such as the Maryville Middle School, Maryville High School, St. Gregory Barbargio Catholic School, Northwest Missouri State University, three public parks, and St. Francis Hospital.

The Transportation Alternatives Funds Program Agreement provides a federal cost share for the project of sixty-four percent (64%) not-to-exceed one hundred forty-three thousand two hundred fifty-nine and 84/100 dollars (\$143,259.84). The FY'19 Budget includes seventy-five thousand dollars (\$75,000) in the Capital Improvements Fund for the required local match on the project. The total project cost will be dependent upon the final alignment determined through the engineering and public input process. Specific financial obligations on the project are not incurred until the award of engineering and construction contracts.

Staff recommended approval of the ordinance to enter into the Missouri Highways and Transportation Commission Alternatives Agreement for the Torrance Street Trail Extension, Project No. TAP-9900 (129). The proposed project provides funding for the connection of six (6) previous trail projects to assist pedestrians with additional infrastructure and alternative

modes of transportation. After engineering services are secured for the project, a public meeting will be scheduled with the property owners in the area to obtain comments and further input.

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 Councilman Lipiec, seconded by Councilman Johnson to enter into the Missouri Highways and Transportation Commission Alternatives Agreement for the Torrance Street Trail Extension, Project No. TAP-9900 (129). Upon roll being called the vote was as follows: Councilman Lipiec, yea; Councilman McDowell, yea; Councilman Johnson, yea; Councilman Parsons, yea; Mayor Martin, yea. Motion carried.

Said bill was then identified as Ordinance No 8163 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. 2019-03.

**AN ORDINANCE TO EXECUTE AMENDMENT 01 TO DESIGN PROFESSIONAL SERVICES AGREEMENT WITH SK DESIGN GROUP, INC. FOR ENGINEERING DESIGN SERVICES ON THE SOUTH MAIN CORRIDOR IMPROVEMENT PROJECT, STP-4300 (112)**

The City Clerk presented a bill, Bill No. 2019'09 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE AMENDMENT 01 TO A DESIGN PROFESSIONAL SERVICES AGREEMENT WITH SK DESIGN GROUP, INC., TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE SOUTH MAIN CORRIDOR IMPROVEMENT PROJECT, STP-4300 (112), MARYVILLE, MISSOURI.**

In 2015, the City of Maryville hired SK Design Group, Inc. to perform a traffic study on the South Main Street corridor. The intent of the study was to determine the best way to serve existing and future travel demands along South Main Street from South Avenue to Highway 71 Bypass. The study's general scope included a review of existing traffic conditions, lane configurations, signal spacing and timings, traffic control devices, crash patterns and availability of non-motorized facilities such as sidewalks and bike routes. The public involvement component of the study was ongoing throughout the plan development process. The consultant team conducted several stakeholder collaboration sessions, presentations and community opinion surveys. Data collection efforts for the study included review of the Maryville Comprehensive Plan, existing rights-of-way, utility systems, drainage systems and traffic volumes. Additional information collected included obtaining three years of crash history, performing a Road Safety Assessment (RSA), and conducting turning movements at key intersections in regular and peak-hours.

The South Main Traffic Corridor Study developed a conceptual framework for the ideal roadway design and documented opportunities for increasing operational efficiency and safety for all road-users. The plan established an Access Management Guide that has been used by City staff for reviewing developments along the corridor. The conceptual plan was presented to the City Council on August 24, 2015 and outlined improvements in three (3) specific phases. The study recommended Phase I improvements from the intersection of South Avenue to just north of the Walmart northern entrance. The intersection at South Avenue was defined as the most severe functional issue along the corridor causing the most congestion. Phase II outlined improvements from the north Walmart entrance south to Highway V. Phase III continued functional and aesthetic improvements from Highway V south to Highway 71 Bypass.

On February 22, 2016, the City Council approved a Design Professional Services Agreement with SK Design, Inc. (2016-02) for engineering design services for the South Main Corridor Improvement Project, Phase I, in an amount not-to-exceed two hundred twenty-seven thousand five hundred dollars (\$227,500). Design costs for Phase I were split among the FY'16 and FY'17 budgets. In April 2017, voters approved the renewal of the one half (½) cent capital improvement sales tax with the intention of improvements to South Main being a high priority. Phase I engineering and design is approximately eighty-five percent (85%) complete and the project was targeted for construction in Spring 2019.

In July, City staff and the Northwest Regional Council of Governments partnered to submit an application to the United States Department of Transportation (USDOT) for Better Utilizing Investments to Leverage Development (BUILD) funds to complete the reconstruction of South Main Street as one (1) project. In addition to cost savings and project efficiencies, the project would reduce years of inconvenience and disruption for citizens and businesses along the corridor. BUILD grants were highly competitive with only one billion five hundred million dollars (\$1,500,000,000) allocated by Congress for the

program nationwide. A total of eight hundred fifty-one (851) applications were received with funding requests totaling over eleven billion dollars (\$11,000,000,000). A total of ninety-one (91) projects were awarded throughout the United States and only four (4) in Missouri. On December 6, 2018, the City of Maryville was notified that the South Main Corridor Improvement Project will receive ten million four hundred eighty-eight thousand eighty-eight dollars (\$10,488,088) in BUILD funds.

Over the past few months, staff has been working with the USDOT, Federal Highway Administration, Missouri Department of Transportation (MoDOT), and the Northwest Regional Council of Governments to complete questionnaires and submit required information to the program. The tentative project budget and milestone schedule has been submitted to USDOT for approval and is as follows:

**South Main Corridor Improvement Project, STP-4300 (112)**

**Project Budget**

Estimated Project Cost: \$12,657,298

<i>Major Project Activity</i>	<i>BUILD</i>		<i>City</i>
Engineering & Design	\$	0	\$ 624,210
Construction	\$	9,716,429	\$ 1,051,060
Contingency	\$	771,659	\$ 85,740
Construction Admin/Inspection	\$	0	\$ 333,200
Contract Admin.	\$	0	\$ 75,000
<b>Total</b>	<b>\$</b>	<b>10,488,088</b>	<b>\$ 2,169,210</b>

**Project Schedule**

<i>Major Project Activity</i>	<i>Anticipated Date</i>
Preliminary Engineering	3/11/19 – 11/1/19
Completion of NEPA	11/1/19
Final Design	11/1/19 – 3/1/20
Property Owner Meetings	11/1/19 – 3/1/20
PSE Approval	3/1/20 – 4/1/20
Bidding/Award	4/1/20 – 6/8/20
Notice to Proceed	7/1/20
Construction	7/1/20 – 6/30/22
Project Close Out	6/30/22 – 8/1/22

In order to meet dates outlined in the project schedule, the City of Maryville must swiftly proceed with the remaining engineering and design for improvements to South Main. No federal funds are associated with design, therefore MoDOT has approved the approach and selection of SK Design Group, Inc. as consistent with Local Public Agency (LPA) guidelines. Amendment 01 to Design Professional Services Agreement outlines preliminary engineering services, reimbursable expenses, and construction administration/inspection for a total amount of \$964,910.37.

Amendment 01 to Design Professional Services Agreement with SK Design, Group, Inc. provides for all remaining engineering and inspection services in a not-to-exceed amount of nine hundred sixty-four thousand nine hundred ten and 37/100 dollars (\$964,910.37). The BUILD grant budget identifies the City as having a seventeen percent (17%) local match on the project or two million one hundred sixty-nine thousand two hundred ten dollars (\$2,169,210). The local match will include all engineering, inspection, contract administration, and a portion of construction costs. There is no required BUILD match for rural communities and if construction bids are under budget, the city’s contribution will decrease.

The City plans to issue Certificates of Participation (COPs) at some point over the next year to finance a series of projects. These projects may include engineering and final costs for the South Main Corridor Improvement Project, any remaining Maryville Public Safety Facility costs, and replacement of the membranes at the Maryville Water Treatment Facility. Approval of a Reimbursement Resolution will be required for the City to reimburse itself for engineering costs incurred related to the project from the proceeds of future tax-exempt financing.

Staff recommended approval of the proposed ordinance to execute Amendment 01 to Design Professional Services Agreement with SK Design, Inc. for engineering and design services on the South Main Corridor Improvement Project, STP-4300 (112). SK Design, Inc. is approximately eighty-five percent (85%) complete with design for Phase I and must begin the remaining engineering necessary in order to meet BUILD grant deadlines. The outlined engineering costs are appropriate for a project of this scope and reconstruction of approximately one and 46/100 (1.46) miles of roadway. The South Main Corridor Improvement Project is the top priority in the Maryville Comprehensive Plan and will be transformational for the community.

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 Councilman McDowell, seconded by Councilman Lipiec to execute Amendment 01 to Design Professional Services Agreement with SK Design, Inc. for engineering and design services on the South Main Corridor Improvement Project, STP-4300 (112). Upon roll being called the vote was as follows: Councilman Lipiec, yea; Councilman McDowell, yea; Councilman Johnson, yea; Councilman Parsons, yea; Mayor Martin, yea. Motion carried.

Said bill was then identified as Ordinance No. 8164 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Amendment 01 was made a part of the original contract, being Contract No. 2016-02.

#### **A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF MARYVILLE, MISSOURI, REGARDING 2019 CERTIFICATES OF PARTICIPATION**

The City Clerk presented a bill, Bill No. 2019'10 for a Resolution entitled:

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

A use tax is a sales tax imposed on the purchase of goods by Missouri residents from out-of-state vendors. The use tax is applied to the same type of products subject to traditional sales tax. The difference occurs where the goods are purchased and shipped to the purchaser. When individuals make purchases at retail stores in Missouri they pay the local sales tax that is applicable at that location. On the other hand, purchases by Missouri residents from out-of-state vendors (typically online) that are shipped to Missouri are only subject a use tax. The state use tax rate is four and 225/1000 percent (4.225%), the same as the state sales tax rate. Cities and counties may impose an additional use tax which is the same as their local sales tax rate. In general terms, while the sales tax rate is based on the point of sale, the use tax rate is determined based on the point of delivery. If a purchase is made by Missouri residents from a Missouri retailer, no use tax applies. The use tax only applies to out-of-state vendors.

Local jurisdictions that have the power to impose a sales tax also may impose a use tax if approved by voters. The local use tax rate is imposed at the same rate as the local sales taxes. If a local sales tax sunsets or is repealed, the use tax would decrease in an amount equal to the sales tax repealed. Likewise, if voters of the city approve a new sales tax, the use tax would increase by the amount of the new sales tax.

The purchase of vehicles, trailers, boats, and outboard motors are treated differently than other retail purchases. The sales tax on these purchased is assessed based on the location the item is registered at. When a resident licenses the vehicle, the local sales tax rate is imposed based on the address of the registrant. In 2012, the Missouri Supreme Court ruled that purchases of vehicles from out-of-state vendors should be exempted from the local sales tax. The court found that only residents of cities with a local use tax could collect local sales tax on vehicles purchased from out-of-state. In 2013, SB 182 outlined that cities that did not have a use tax in place prior, must receive voter approval to continue taxing out-of-state vehicles. The deadline for passing the local ballot measure was extended from 2016, 2018, and now to 2022. Cities that do not gain voter approval will lose the existing revenue stream after that date. The legislation in 2016 notes that approval of a use tax will capture out-of-state vehicle sales revenue and address this issue.

There have been several attempts at the federal level to address the issue of "e-fairness" by advocating for a level taxing playing field for brick and motor businesses and their online retail competitors. Recently, the Supreme Court ruling in *South Dakota v. Wayfair*, has opened the door for states to collect sales tax from internet retailers regardless of their physical presence in the state. The Missouri General Assembly will need to act before the state and municipalities realize any additional revenues from this legal ruling. Missouri Governor Mike Parson indicated in December his desire to enact a new law enabling the state to collect additional revenues associated with *South Dakota v. Wayfair* during this legislative session. Both the Missouri Department of Revenue and Missouri Municipal League note that only cities with a use tax in place will benefit from the legislation.

On August 13, 2018 the City Council approved an ordinance to place a local use tax question on the November 6, 2018 general election ballot. The ballot language read as follows:

*"Shall the City of Maryville impose a local use tax at the same rate as the total local sales tax rate, currently 2.375%, provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate*

*shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.”*

City staff developed an education and information campaign to the citizens of Maryville to provide definition and clarity to the use tax measure. The educational information from those efforts can be found at [www.maryville.org/usetax](http://www.maryville.org/usetax).

On November 6, 2018, voters rejected the measure with a final vote total of one thousand three hundred ninety-six (1,396) – Yes (45%) and one thousand seven hundred four (1,704) - No (55%). According to the Missouri Municipal League and state statutes, there is no waiting period for placing the issue back on the ballot. Staff believes there is further community education that can be done on the use tax and online sales will only continue to increase. Without a use tax in place, existing sales tax revenues for the General Fund, Capital Improvement Fund, Mozingo Lake Recreation Park, Debt Retirement Fund, and Park & Recreation Fund will be jeopardized due to increasing purchases from online out-of-state vendors. As such, staff recommends approval of the proposed ordinance to submit the two and 375/1000 percent (2.375%) use tax proposal back to qualified voters at the general election on April 2, 2019.

The Missouri Municipal League has provided revenue estimates for each municipality based on gross receipts subject to a use tax for 2016. Estimates for Maryville reflect an additional two hundred forty-five thousand dollars (\$245,000) in potential revenue to offset sales tax loss made by purchases to online out-of-state vendors. Imposing a use tax also continues the receipt of sales tax revenue in the General Fund from out-of-state vehicles in the estimated amount of forty-five thousand three hundred ninety-seven and 88/100 dollars (\$45,397.88). If the use tax is not approved, this revenue would be eliminated.

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 Councilman McDowell, seconded by Councilman Lipiec to declare and approve the resolution acknowledging the official intent of the City of Maryville. Upon roll being called the vote was as follow: Councilman Johnson, yea; Councilman Parsons, yea; Councilman Lipiec, yea; Councilman McDowell, yea; Mayor Martin, yea. Motion carried.

Said bill was then identified as Resolution No. 679 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON SPECIAL USE PERMITS FOR SHORT-TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS PENDING THE ADOPTION OF REVISED REGULATIONS**

The City Clerk presented a bill, Bill No. 2019’11 for an ordinance entitled:

#### **AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON SPECIAL USE PERMITS FOR SHORT-TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS PENDING THE ADOPTION OF REVISED REGULATIONS.**

On Monday, February 25, 2019 the City Council approved a motion to approve an application by Faris & Associates, LLC, for a short-term rental at 623 West Third Street, for a duration of up to one hundred twenty (120) days and issue a same duration of moratorium on short-term rentals in Residential Zoning Districts. The Special Use Permit also included conditions to where no more than ten (10) occupants are allowed to rent at the same time and the dwelling may not be allowed to be rented solely for special events, such as receptions, parties, and weddings.

The Municipal Code of Maryville does not address or define short-term rental; therefore, the matter was treated similar to a *Bed & Breakfast* through the Special Use Permit application and process. The short-term rental, home sharing, vacation rentals, is a new sharing economy largely based online through companies such as Vacation by Rental Owner (VBRO) or Airbnb. These properties are becoming common in residential areas and communities across the country are still developing regulations to adapt to these industries while protecting residents and the stability of their neighborhoods.

The proposed ordinance formally issues the temporary moratorium on Special Use Permits for short-term rentals in Residential Zoning Districts pending the adoption of revised city code. The moratorium will be effective until the earlier of four (4) months or from the effective date of revised short-term rental regulations. Staff is currently obtaining other short-term rental code and best practices for further discussion by the Planning & Zoning Commission and City Council.

Staff recommended approval of the ordinance to impose a temporary moratorium on Special Use Permits for short-term rentals in Residential Zoning Districts pending the adoption of revised regulations. If approved, no Special Use Permit applications for this type of use will be accepted by the City of Maryville until the code is amended.

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 Councilman McDowell, seconded by Councilman Lipiec to declare and approve the resolution acknowledging the official intent of the City of Maryville. Upon roll being called the vote was as follow: Councilman Johnson, yea; Councilman Parsons, yea; Councilman Lipiec, yea; Councilman McDowell, yea; Mayor Martin, yea. Motion carried.

Said bill was then identified as Ordinance No. 8165 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AN ORDINANCE TO EXECUTE A LEASE WITH KANSAS GOLF AND TURF FOR THE PURCHASE OF TURF EQUIPMENT FOR MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2019'12 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH KANSAS GOLF AND TURF FOR THE PURCHASE OF TURF MAINTENANCE EQUIPMENT AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI.**

Due to Mayor Martin's employment with Bank Midwest and that Bank Midwest submitted a bid for this item, Mayor Martin recused herself by leaving the Council Chambers during the discussion and consideration of Council Bill No. 2019'12 and 2019'13.

Mayor Pro-Tem Lipiec led the meeting during the absence of Mayor Martin.

During FY19 budget preparations, City staff presented City Council with the discussion of equipment replacement at Mozingo Lake Recreation Park. As presented to Council, the majority of the turf management equipment at Mozingo Lake was purchased in the late '90's and early 2000's and has deteriorated beyond reliability and functionality. Due to the need to purchase a large amount of replacement equipment, staff presented the concept of a five (5) year equipment lease in order to affordably replace the turf management equipment. As a result, the FY19 budget for Mozingo Lake Recreation Park has earmarked fifty thousand dollars (\$50,000) towards a five (5) year commitment of equipment replacement.

The specific equipment that needs to be replaced is as follows:

- *Three (3) Tri-plex mowers:* Used on the golf course, these are specialized mowers used to mow the greens and tee boxes. Golf course maintenance occurs seven (7) days a week during the peak season and each one of these mowers will be utilized daily. Multiple units are necessary as they all operate at the same time to stay ahead and out of the way of golfers.
- *Two (2) Trucksters:* These are the work vehicles of the golf course. These vehicles are a little larger than a golf cart and can haul and dump over a ton of sand, soil, gravel, mud, materials, etc. and do very little if no damage to the turf. They are also used to haul people and equipment around the course. These vehicles are used exclusively on the golf course.
- *Three (3) Zero Turn Mowers:* 72-inch (6ft) mowers that perform the general mowing throughout the park.
- *One (1) Bunker rake:* This piece of equipment is used to groom the golf course sand traps four (4) times per week. This unit also has a blade on the front to redistribute sand most often after a storm, and a scarifier to keep sand from compacting.
- *One (1) Spray Rig:* Used to apply fungicides, herbicides, insecticides, foliar nutrients, growth regulators, and surfactants to the golf course turf. Mozingo Lake staff sprays over 75 applications per season.
- *Two (2) Utility carts:* These are lighter weight vehicles used mainly for people movers and supervisory transportation. They can also haul payloads up to 1000 lbs. We use them for course setup and detailers every day of the season. These are the "pickup trucks of the golf course".

Total= 12 pieces of equipment

The requested item is to select an equipment package for the replacement of turf management equipment at Mozingo Lake Recreation Park. In January, 2019, the City released an RFP seeking bids on the above listed equipment. As part of the bid, staff also requested two (2) different financing/leasing options from respondents based upon a five (5) year lease term.

The two requested financing options requested as part of the equipment bid were the Fair Market Value (FMV) lease and the Dollar Buyout Option (DBO). Bids were received from the following companies:

- Kansas Golf & Turf (Jacobson & Hustler equipment)
- Van Wall Equipment (John Deere equipment)
- Professional Turf Products (Toro equipment)

Staff also released a separate RFP bid for traditional financing based upon the equipment values. Provided below is a breakdown of the equipment bids and financing options:

After analyzing the pros & cons of each type of financing, staff has determined that the FMV lease option is not in the best long-term interest of Mazingo Lake. The rationale for this is that with the FMV lease, the City would be required to return the leased equipment. By choosing another financing option, the City will then own the equipment at the end of five (5) years and would have the option to forgo another equipment lease or enter into another equipment lease for different types of equipment. The equipment requested in the bids will have a useful life far greater than five (5) years and could easily last the City over ten (10) years with proper maintenance. Therefore, based upon the financial flexibility after five (5) years and the long-term needs of the park, staff is not recommending the Fair Market Value (FMV) option. Provided below is a breakdown & analysis of the two (2) remaining available financing options for the purchase of equipment:

The FY19 budget for Mazingo Lake Recreation Park has earmarked fifty thousand dollars (\$50,000) for the lease of equipment to be utilized towards golf course and park maintenance. All responding bids were below the fifty thousand dollars (\$50,000) budgeted towards an equipment lease. Approval of the requested item would enter the City into a five (5) year lease and would require budgeting the approved amount over the next four (4) fiscal years to satisfy the contract.

**Dollar Buy Out (DBO)**

<i>Company</i>	<i>Annual % Rate</i>	<i>Annual Payment</i>	<i>Total Contract</i>
Van Wall Equipment (Wells Fargo Financial)	4.58%	\$46,568.00	\$232,841.90
Kansas Golf & Turf	4.85%	\$49,364.00	\$246,821.80
Professional Turf Products	**Doesn't provide DBO Option**		

In addition, staff requested the responding bidders to provide an outright purchase amount for the equipment that could be financed utilizing traditional financing methods. The full purchase amount of the equipment is as follows:

- Kansas Golf & Turf (Jacobson & Hustler): \$225,000.00 outright purchase amount
- Van Wall Equipment (John Deere): \$212,133.00 outright purchase amount
- Professional Turf Products (Toro): No Buyout Option

In an effort to fully examine all available options for the purchase of the requested equipment, staff released a Request for Proposals for traditional financing based on a five (5) year term and the highest total buyout amount provided by the equipment dealers. The City received nine (9) responses and bids were opened on March 7. Provided below is a breakdown of the submitted bids:

**Traditional Financing:**

<i>Financing Institution</i>	<i>Annual % Rate</i>	<i>Amount Financed</i>	<i>Monthly Payment</i>	<i>Total Contract</i>
US Bank (Maryville)	3.15%	\$225,000.00	\$4,057.97	\$243,478.25
Bank Funding, LLC (Maryland)	3.39%	\$225,000.00	\$4,082.07	\$244,924.20
PNC Equipment Finance, Inc. (Ohio)	3.407%	\$225,000.00	\$4,083.78	\$245,026.80
Commerce Bank (St. Joseph)	3.57%	\$225,000.00	\$4,088.20	\$245,292.00
NBH Bank/Bank Midwest (Maryville)	3.58%	\$225,000.00	\$4,095.00	\$245,731.20
Nodaway Valley Bank (Maryville)	3.58%	\$225,000.00	\$4,101.95	\$246,116.82
Arvest Equipment Finance (Kansas)	3.9%	\$225,000.00	\$4,133.57	\$248,014.20
Wells Bank (Maryville)	4.750%	\$225,000.00	\$4,228.11	\$253,686.60
Kinetic Leasing (North Dakota)	5.94%	\$225,000.00	\$4,322.21	\$259,332.60

This action item is to select an equipment package and financing for the turf management equipment replacement at Mozingo Lake Recreation Park. As mentioned previously, staff has determined that the Fair Market Value (FMV) lease is not the best long-term option for Mozingo Lake at this point. As such, staff is analyzing the equipment packages between Kansas Golf & Turf and Van Wall Equipment since Professional Turf Products does not provide an outright purchase option.

Equipment Analysis:

When comparing the equipment between the two (2) remaining bidders, staff believes that the equipment package offered by Kansas Golf & Turf is the best option for the long-term interests of Mozingo Lake. Staff is familiar with both types of equipment provided by the dealers and believes that the quality of the Jacobson/Hustler equipment is superior to the John Deere options provided and would provide a greater long-term value. An example of this difference in quality can be illustrated through the spray rig. The spray rig is utilized to place chemicals on the golf course. With the Jacobson model, the spray output is modulated by computer and adjusts chemical output based upon vehicle speed, wind speed, and other variables that can be inputted into the onboard computer. The manufacture estimates this saves over three thousand five hundred dollars (\$3,500) in labor annually and five percent (5%) in chemicals. Once programmed, the Jacobson model could be operated by any staff member. The John Deere spray rig is not a fully automated model & would require only staff trained in chemical applications to operate. Across all options provided, the equipment offered by Kansas Golf & Turf is much more advanced and of higher quality than the John Deere models. After consideration of all quotes and options, staff recommends the turf management equipment through Kansas Golf & Turf.

As a result, staff is recommending the purchase of the Kansas Golf & Turf (Jacobson & Hustler) turf management equipment and approval of the traditional financing package offered by US Bank. The FY19 budget for Mozingo Lake Recreation Park has earmarked fifty thousand dollars (\$50,000) towards a five (5) year commitment of equipment replacement and the requested package is forty-eight thousand six hundred ninety-five and 64/100 dollars (\$48,695.64) (\$1,304.36 under budget) annually.

Staff recommended approval of the Kansas Golf & Turf equipment package for the purchase of the Mozingo turf equipment.

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 Councilman McDowell, seconded by Councilman Lipiec to approve the ordinance to purchase the Kansas Golf & Turf equipment package for the Mozingo turf equipment.

Upon roll being called the vote was as follow: Councilman Johnson, yea; Councilman Parsons, yea; Councilman Lipiec, yea; Councilman McDowell, yea; Mayor Martin, yea. Motion carried.

Said bill was then identified as Ordinance No. 8166 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. 2019-04.

**AN ORDINANCE TO EXECUTE A LEASE WITH KANSAS GOLF AND TURF FOR THE PURCHASE OF TURF EQUIPMENT FOR MOZINGO LAKE RECREATION PARK**

The City Clerk presented a bill, Bill No. 2019'13 for an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH US BANK/US BANCORP GOVERNMENT LEASING AND FINANCE, INC. FOR THE PURCHASE OF TURF MAINTENANCE EQUIPMENT AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI**

During FY19 budget preparations, City staff presented City Council with the discussion of equipment replacement at Mozingo Lake Recreation Park. As presented to Council, the majority of the turf management equipment at Mozingo Lake was purchased in the late '90's and early 2000's and has deteriorated beyond reliability and functionality. Due to the need to purchase a large amount of replacement equipment, staff presented the concept of a five (5) year equipment lease in order to affordably replace the turf management equipment. As a result, the FY19 budget for Mozingo Lake Recreation Park has earmarked fifty thousand dollars (\$50,000) towards a five (5) year commitment of equipment replacement.

Prior to bidding the above equipment, staff considered the different financing/leasing options available to acquire the equipment. There are three (3) types of financing options available:

- *Fair Market Value (FMV) Lease:* The FMV lease would be a five (5) year equipment lease where at the end of the lease, the equipment is then returned to the originating company. This type of lease is similar to the Mozingo golf cart leases. The FMV option is provided through the equipment dealer and utilizes their affiliated financial institution.
- *Dollar Buyout Option (DBO):* The DBO lease would be a five (5) year equipment financing where at the end of the term, the city would then own the equipment. The DBO option is provided through the equipment dealer and utilizes their affiliated financial institution.
- *Traditional Financing:* A loan or line of credit secured through a financial institution under conventional terms. City would own the equipment.

The requested item is to select an equipment package for the replacement of turf management equipment at Mozingo Lake Recreation Park. In January, 2019, the City released an RFP seeking bids on the above listed equipment. As part of the bid, staff also requested two (2) different financing/leasing options from respondents based upon a five (5) year lease term. The two requested financing options requested as part of the equipment bid were the Fair Market Value (FMV) lease and the Dollar Buyout Option (DBO). Bids were received from the following companies:

- Kansas Golf & Turf (Jacobson & Hustler equipment)
- Van Wall Equipment (John Deere equipment)
- Professional Turf Products (Toro equipment)

Staff also released a separate RFP bid for traditional financing based upon the equipment values. Provided below is a breakdown of the equipment bids and financing options:

After analyzing the pros & cons of each type of financing, staff has determined that the FMV lease option is not in the best long-term interest of Mozingo Lake. The rationale for this is that with the FMV lease, the City would be required to return the leased equipment. By choosing another financing option, the City will then own the equipment at the end of five (5) years and would have the option to forgo another equipment lease or enter into another equipment lease for different types of equipment. The equipment requested in the bids will have a useful life far greater than five (5) years and could easily last the City over ten (10) years with proper maintenance. Therefore, based upon the financial flexibility after five (5) years and the long-term needs of the park, staff is not recommending the Fair Market Value (FMV) option. Provided below is a breakdown & analysis of the two (2) remaining available financing options for the purchase of equipment:

The FY19 budget for Mozingo Lake Recreation Park has earmarked \$50,000 for the lease of equipment to be utilized towards golf course and park maintenance. All responding bids were below the \$50,000 budgeted towards an equipment lease. Approval of the requested item would enter the City into a five (5) year lease and would require budgeting the approved amount over the next four (4) fiscal years to satisfy the contract.

**Dollar Buy Out (DBO)**

<i>Company</i>	<i>Annual % Rate</i>	<i>Annual Payment</i>	<i>Total Contract</i>
Van Wall Equipment (Wells Fargo Financial)	4.58%	\$46,568.00	\$232,841.90
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Professional Turf Products	**Doesn't provide DBO Option**		

In addition, staff requested the responding bidders to provide an outright purchase amount for the equipment that could be financed utilizing traditional financing methods. The full purchase amount of the equipment is as follows:

- Kansas Golf & Turf (Jacobson & Hustler): \$225,000.00 outright purchase amount
- Van Wall Equipment (John Deere): \$212,133.00 outright purchase amount
- Professional Turf Products (Toro): No Buyout Option

In an effort to fully examine all available options for the purchase of the requested equipment, staff released a Request for Proposals for traditional financing based on a five (5) year term and the highest total buyout amount provided by the equipment dealers. The City received nine (9) responses and bids were opened on March 7. Provided below is a breakdown of the submitted bids:

**Traditional Financing:**

<i>Financing Institution</i>	<i>Annual % Rate</i>	<i>Amount Financed</i>	<i>Monthly Payment</i>	<i>Total Contract</i>
US Bank (Maryville)	3.15%	\$225,000.00	\$4,057.97	\$243,478.25
Bank Funding, LLC (Maryland)	3.39%	\$225,000.00	\$4,082.07	\$244,924.20
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Kinetic Leasing (North Dakota)	5.94%	\$225,000.00	\$4,322.21	\$259,332.60

Financial Analysis:

As mentioned previously, financing quotes were obtained for a dollar buy-out (DBO) option that is provided through the equipment dealers affiliated financial institution. Staff also requested quotes from traditional financing sources to purchase the equipment outright from the equipment dealer and finance over a period of five (5) years. While the equipment provided through Kansas Golf & Turf is more expensive than the Van Wall Equipment package, staff believes the quality of the equipment justifies the additional expense and provides a greater opportunity to improve operational efficiency and potentially reduce costs.

When comparing the DBO options to the Traditional financing for the Kansas Golf & Turf bids, the best rate offered to the City is the traditional financing package offered through US Bank in Maryville. The US Bank bid has the lowest APR, monthly payments, and total contract amounts in addition to being a local business. The US Bank bid offers a total contract savings of three thousand three hundred forty-three and 55/100 dollars (\$3,343.55) over the DBO bid and has the lowest APR out of any bids. In addition, the total annual contract is one thousand three hundred four and 36/100 dollars (\$1,304.36) below the budgeted amount.

Staff recommended approval of the Kansas Golf & Turf equipment package for the purchase and the US Bank offer are included in your packets.

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 Councilman McDowell, seconded by Councilman Parsons to enter into a contract with US Bank for the financing of Mazingo turf equipment. Upon roll being called the vote was as follow: Councilman Lipiec, yea; Councilman McDowell, yea; Councilman Johnson, yea; Councilman Parsons, yea; Mayor Martin, abstained. Motion carried.

Said bill was then identified as Ordinance No. 8167 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 2019-05.

Mayor Martin returned to the Council Chambers and lead the remainder of the meeting.

**REPORTS**

**I. Student Liaison**

- *Student Senate Holds Blood Drive* – The Northwest Missouri State University Student Senate has scheduled a blood drive for April 17 and 18, 2019. The drive scheduled for January was cancelled due to weather.
- *Spring Break* – The next City Council Meeting is scheduled the week of Spring Break so Delaney Smail, Student Liaison will not be in attendance.

**II. City Manager**

- *Use Tax Proposal, April 2, 2019* – The City of Maryville has placed the use tax proposal on the April 2, 2019 ballot for consideration by Maryville voters. The use tax simply applies the local sales tax rate to purchases made to online out-

of-state vendors in the same manner and at the same rate previously approved by voters. The United States Department of Commerce estimates eleven percent (11%) of all retail sales now occur online and forty-nine percent (49%) of all US e-commerce occurs at Amazon. Many of those purchases are made to online out-of-state vendors where no local sales tax is applied. In addition to reduced revenue for local initiatives, this scenario may create a competitive disadvantage for local brick-and-mortar businesses. If approved by voters, the use tax would recapture an estimated two hundred forty-five thousand dollars (\$245,000) in revenue per year and preserve another forty-five thousand dollars (\$45,000) in revenue from titling of motor vehicles. The use tax proposal on the November ballot failed by a fifty-five percent (55%) to forty-five percent (45%) margin. Staff has updated educational information and the use tax video which are available at [www.maryville.org/usetax](http://www.maryville.org/usetax).

- *Medical Marijuana* – On February 21, 2019 staff attended a webinar hosted by the Missouri Municipal League on the impacts of Amendment 2 and medical marijuana. Approved by voters in November 2018, Amendment 2 allows for the cultivation, production, transportation, and administration of marijuana to qualifying patients. The measure also designates the Missouri Department of Health and Senior Services (DHSS) as the regulatory oversight. Under timelines created by Amendment 2, DHSS will begin accepting application forms for marijuana facilities in June and patients and caregivers in July. Approvals for facilities and identification will begin approvals in August. There will be four types of facilities: cultivation, infused product manufacturing, dispensaries, and testing facilities. Cities may not prohibit medical marijuana facilities and a number of zoning factors to be addressed. In addition, there are other issues such as employment issues in a “Drug Free Workplace” and policing impacts that should be addressed. Staff is beginning to collect best practices, policies, and zoning regulations from other municipalities for future consideration by the City Council.
- *MS4 Stormwater Management Plan* – On October 29, 2018, the City of Maryville received a Letter of Warning from the Missouri Department of Natural Resources (MDNR). The report included a series of violations with the City’s Municipal Separate Storm Sewer System (MS4) Program operating under the authority of Missouri State Operating Permit (MSOP) MOR040071. The report documented violations found during MDNR’s first audit of the permit since adoption in 2017. One violation targeted the City’s role in encouraging more citizen involvement in the development process for the Stormwater Management Plan (SWMP). Staff has now updated the draft Stormwater Management Plan for 2019 and has scheduled a public hearing for March 25, 2019. The intent of the public hearing will be to educate citizens on the plan and the City’s Best Management Practices (BMPs) for stormwater. The draft SWMP will also be placed online at [www.maryville.org/stormwater](http://www.maryville.org/stormwater) for review.
- *South Main Corridor Improvement Project, STP-4300 (112)* – The City of Maryville has been working with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), the Missouri Department of Transportation (MoDOT), and Northwest Regional Council of Governments (NWRCOG) on completing initial compliance requirements for the Better Utilizing Investments to Leverage Development (BUILD) grant program. In December, the city was awarded ten million four hundred eighty-eight thousand eighty-eight dollars (\$10,488,088) for the South Main Corridor Improvement Project, STP-4300 (112). In an effort to enhance communication with citizens on the project, staff has created a landing page for the project on the city’s website at [www.maryville.org/southmain](http://www.maryville.org/southmain). The page now has background information on the project and key documents such as the traffic corridor study. As design progresses, staff will utilize the page, as well as social media, to present information and updates on the project.
- *KCP&L Franchise Fees* – In June 2018, Kansas City Power & Light (KCP&L) and Westar Energy merged to create Evergy, Inc. In 2019, both companies will transition to a single company name of Evergy. With the merger, the Missouri Public Service Commission required a portion of the synergies created by combining the two companies to be passed on to the customers. For KCP&L, all Missouri residents and businesses received a one-time bill credit on their September bill. Service areas with higher levels of energy sales received a higher portion of the total credits. Section 620.070 of the Maryville Municipal Code imposes a five percent (5%) gross receipts tax (franchise fee) on electric corporations doing business within the city. KCP&L has determined that merger credits reduced their gross receipts which has led to over a fifty percent (50%) reduction in franchise tax receipts for the month of January. The reduction of thirty-one thousand one hundred seventy-nine and 23/100 (\$31,179.23) to the General Fund due to this was not expected and staff will be discussing and recommending appropriate measures.
- *Water Meter Replacement Project* – On August 22, 2016, the City of Maryville executed a contract with Schneider Electric Buildings Americas, Inc. for energy contracting services, specifically to replace water meters throughout the

system. The City's four thousand one hundred ninety-two (4,192) water meters in the system were functioning at ninety percent (90%) accuracy. With the project, new meters performing at higher accuracy rates would recapture approximately \$390,000 in lost revenue. In addition to recapturing revenue, operational efficiencies resulted in another forty-four thousand dollars (\$44,000) in expected annual savings to the Water/Sewer Fund. The total cost of the project was two million nine hundred ninety-five thousand one hundred seventy-three dollars (\$2,995,173) and included leak detection for the city's water mains. The City worked with Piper Jaffray and Schneider Electric to finance the project at a two and 06/100 percent (2.06%) interest rate over a 10-year term, with an annual lease payment of three hundred thirty-four thousand four hundred ninety dollars (\$334,490). The amount was below annual expected savings and new meters were installed. The original contract with Schneider Electric included a Revenue Protection Plan to protect the City if revenues did not meet anticipated numbers. A meeting has been scheduled with Schneider's Performance Assurance Team for the first week of April to review pre/post measurement and verification testing. The analysis will outline the accuracy of meters installed based off certain flow rate criteria and sample sets of meters outlined in the original contract. The review will determine if any additional revenues are required through the protection plan.

- *Maryville Public Safety Facility* – The Maryville Public Safety Facility project remains on schedule for a late April/early May construction bid letting. On February 28, 2019, city staff met with Williams Spurgeon Kuhl & Freshnock Architects, Inc. for a building design update and review meeting. The meeting addressed site plan, mechanical, electrical, and plumbing design, as well as interior finishes. Direction was provided to the architect who will now begin working on final design plans and construction documents.
- *Repairs at the Water Treatment Plant* – Staff has been working with PeopleService, Inc. to identify and make necessary repairs at the Maryville Water Treatment Plant. A contract has been executed with Veolia Water Technologies, Inc. in the amount of three thousand nine hundred twelve and 08/100 dollars (\$3,912.08) to replace the injection mixer shaft. The mixer consists basically of a sequence of stationary guide plates which result in the systematic, radial mixing of materials flowing through the pipe. While the injection mixer shaft is being replaced, staff desires to remove sand to increase the efficiency of the Kruger. A contract has been executed with Hydro-Klean for four thousand seven hundred eighty-five and 50/100 dollars (\$4,785.50) to vacuum out approximately one thousand two hundred (1,200) cubic feet of water and six hundred (600) cubic feet of sand from the East refill filtration chamber. The FY'19 Budget includes necessary funding for repairing and maintenance of such items in the Water/Sewer Fund.
- *100th General Assembly Legislative Report* – The First Session of the 100<sup>th</sup> General Assembly of the State of Missouri is underway and there are several items of municipal interest:
  - *Sales Tax Cap Bill Revised* - The House Ways and Means Committee met in executive session on Wednesday, February 27, 2019 to consider HB 374, sponsored by Representative Phil Christofanelli (R-St. Peters). The bill, as filed, creates a statewide cap preventing political subdivisions from adopting sales tax rates higher than fourteen (14) percent. This cap would include the combination of all state and local sales taxes. During the discussion, substitute language was adopted that dramatically changes the bill. Specifically, it removes the cap and enacts new provisions that require sales tax ballots to specify the highest sales tax rate, the lowest sales tax rate and the average sales tax rate in the municipality. Once modified, the bill was passed out of committee by a vote of six to three (6-3).
  - *Video Franchise Fees* - The Senate Commerce, Consumer Protection, Energy and Environment Committee convened on Wednesday, February 27, 2019 to discuss SB 273, sponsored by Senator Ed Emery (R-Lamar). The bill would eliminate the franchise fee paid by cable companies and replace it with a tax on all video service providers at a rate of three (3) percent. The MO Cable Telecommunications Association provided supporting testimony saying that this is an attempt to level the playing field because their customers have to pay the franchise fee while the customers of others providing the same services do not have to pay the fee. Dish Network, Google, MO Municipal League, Sprint, MO Telecommunications Industry Association, AT&T, Verizon, Consumer Technology Association, a union lineman, the City of St. Louis, Independence Power and Light, and the City of Arnold provided opposing testimony. The Missouri Municipal League's testimony focused on the fact that the feds and the state allow for cities to charge a franchise fee for the use of the public rights-of-way. Franchise fee revenues are declining, but this legislation needs more work to ensure that cities are made whole. No further action was taken. It appears that the committee members have many questions and it will take a lot of work for the Missouri Cable Television Association to get the bill out of committee.

- Transportation Funding - The House Transportation Committee met on Thursday, February 28, 2019 to discuss HB 500, sponsored by Representative Aaron Griesheimer (R-Washington). The bill changes the way fees are calculated for vehicle registration from being based on horsepower to miles per gallon. The Missouri Department of Transportation, Missouri Petroleum Marketers and Convenience Store Association, Missouri Municipal League, and Associated General Contractors of Missouri provided supporting testimony, stating the legislation was developed from a recommendation made from the 21st Century Transportation Task Force as a way to develop a sustainable funding source and provide funding for city and county roads. The Alliance of Automobile Manufacturers provided opposition to the bill.
- Tax Policy - The week of March 4, 2019 included a significant amount of discussion on the Senate floor about tax policy bills. The Conservative Caucus, which is an informal group of about five or six Senators, has made tax policy their primary focus for the legislative session. They are working on a variety of different tax issues, including but not limited to: (1) capping state and local sales taxes; (2) phasing out the income tax and replacing it with a consumption tax; (3) eliminating property taxes; (4) capturing taxes on the purchase of out-of-state goods via the Internet; and (5) funding transportation infrastructure needs without raising the gas tax or issuing bonds.
- *Maryville 101* – In partnership with local media, the City of Maryville intends to publish a series of articles aimed at enhancing awareness on local government. *Maryville 101* will connect city employees and community members by offering in-depth insights into city operations, straight from the individuals responsible for them day-in and day-out. The goals of the program are to create a shared understanding of the city’s operations, answer common questions regarding the city’s mission, and clarify any misconceptions. Articles may include topics such as economic development, city budgets, snow plowing and street maintenance, certain aspects of law enforcement or fire service, and other topics relative to providing public services as a local government. We encourage our local media and citizens to assist us in reaching as many as possible with these education and outreach efforts.
- *EAA Chili Fly-In at Northwest Missouri Regional Airport* - On March 23, 2019 from Noon – 3:00 p.m., the Hawk Road Flyers EAA Chapter 1540 will be hosting a Chili Fly-In to support the Chapter 1540 Young Eagles Program. The event is open to the public and is a free-will luncheon. Funds raised from this event will be used towards supporting activities to introduce aviation to youth through the Young Eagles program. The City of Maryville helps sponsor this event by providing reduced fuel costs for pilots that fly-in for the event as well as minor material support towards event costs.
- *Golf Simulators at Mozingo Lake Recreation Park* - The spring high school golf season has started and with the continued poor weather conditions, Mozingo Lake Recreation Park is offering a golf simulator special for high school golf teams. A special rate of fifteen dollars (\$15) per hour is available for each golf team to address practice needs. Coaches must be present to receive the special rate discount. Interested teams should contact the pro shop at (660) 562-3864 to reserve swing bay tee times.
- *PGA Junior League at Mozingo Lake Recreation Park* - Sign-ups for the PGA Junior League at Mozingo Lake Recreation Park are now open! This will be the third season this program is offered at Mozingo. Over the past two (2) years this program has seen great growth and continues to receive very positive feedback from both junior golfers and parents. PGA Junior League is an opportunity for boys & girls to learn and play golf in a team oriented, competitive environment. Expert coaching is provided by both PGA and LPGA golf professionals. The fun and welcoming team format creates an environment for every child to become a golfer. Teams are 13u or 17u and more information can be found at [www.pgajrleague.com/sign-up](http://www.pgajrleague.com/sign-up).

### III. City Council

- *Student Leases* – Councilman Johnson asked Student Liaison Delaney Smail if the Student Senate had discussed the article in last weeks paper regarding lease contracts and day of finals. The Senate had not discussed. Ms. Smail will report back when they have the discussion.
- *Appreciation for Staffs Work* – Councilman McDowell expressed his appreciation for the work put into the performing the audit and the grant funding opportunities.
- *Maryville 101* – Councilman Parsons expressed that he thought the concept of “Maryville 101” was a great idea. He asked if it would be shared on social media and the newspaper. City Manager McDanel stated that it would likely be released to local media, then later on social media network.

**ADJOURNMENT**

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

*Rachael Martin*

Rachael Martin, Mayor

ATTEST

*Sheila Smail*

Sheila Smail, City Clerk

(03/11/2019)