

**1 Maryville City Council
Regular Session
December 27, 2010
7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, December 27, 2010, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

ROLL CALL

The meeting was called to order by Mayor Jackson and the roll was called by the City Clerk, with the following present to-wit: Mayor Chad Jackson, Council Members Glenn Jonagan, Patricia Cummings, and Ronnie Moss were present. Council Member Shawn Wake was not present. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson, Dir., Public Works Clifford Goodall, and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Chad Jackson led the pledge to the flag.

APPROVAL OF THE AGENDA

Mayor Jackson requested any changes needed to the agenda, be noted at this time. Motion was made by Councilwoman Cummings, seconded by Councilman Jonagan, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

INVOCATION

Councilwoman Cummings gave the invocation.

APPROVAL OF ANNEXATION OF 324 LARRY DRIVE, BY DOWNTOWN REAL ESTATE, LLC

The City Clerk presented a bill, being Bill No. 2010'110 for an Ordinance entitled:

An Ordinance Annexing Certain Territory, Located at 324 Larry Drive, Owned by Downtown Real Estate, LLC

An ordinance for approval of annexation was presented to the City Council, for property located at 324 Larry Drive, Downtown Real Estate, LLC. No written objections to the proposed annexation were received by the City. It was noted that the sign on the property was larger than what the municipal code allows. Mr. Bundridge stated that he neglected to check for any size restrictions by the city prior to construction. He added that the reason he was requesting annexation was to obtain water service and that it was his understanding that if he is denied annexation, he will be provided water service but at the higher rate.

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 Jonagan, seconded by Councilman Moss that the request for annexation be accepted by approving Council Bill No. 2010'110. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7282 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

APPROVE ANNEXATION OF 326 LARRY DRIVE, BY NORTHWEST MISSOURI CELLULAR, LLP

The City Clerk presented a bill, being Bill No. 2010'111 for an Ordinance entitled:

An Ordinance Annexing Certain Territory, Located at 326 Larry Drive, Owned by Northwest Missouri Cellular, LLP

An ordinance for approval of annexation was presented to the City Council, for property located at 326 Larry Drive, Northwest Missouri Cellular, LLP. No written objections to the proposed annexation were received by the City. It was noted that the tower on the property was taller than the municipal code allows.

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 Councilwoman Cummings, seconded by Councilman Jonagan that the request for annexation be accepted by approving Council Bill No. 2010'111.

Upon roll being called the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7283 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

COMPREHENSIVE PLAN

Prior to the December 13, 2010, City Council Meeting, presentations were given by four (4) firms, PGAV Planners, Design Workshop, Gould Evans, RDG Planning Design. Council discussed their views of each firm. An invitation to citizens to attend meetings to give feedback on top objectives and concerns perceived were discussed, as well as gaining insight from individuals who are visitors to Maryville to get input from a first impression view.

After much discussion, motion was made by Councilwoman Cummings, seconded by Councilman Jonagan, to contract with RDG Planning Design, for the development of the City of Maryville Comprehensive Plan

Upon roll being called, the vote was as follows, Councilwoman Cummings, yea; Councilman Moss, nay; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

RETREAT DETAILS

Council Members were asked to provide a list of issues they thought should be a part of the retreat discussion.

Councilman Moss distributed information he had collected and summarized of five (5) studies that had been taken in the past 3-4 years. By narrowing the list down to a few solid goals, keeping in mind that the development of the Comprehensive Plan may bring up additional issues to be addressed, it was suggested that the list would be a good beginning to address concerning issues. The first, and possibly second, retreat meetings will be focused around identifying the initial issues to be addressed. January 18 and 25, 2011, are the dates set for the first two retreats, with location is to be determined.

HEARTLAND CONTRACTORS, INC., PHASE II, DOWNTOWN REVITALIZATION PROJECT

The City Clerk presented a bill, being Bill No. 2010'106 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Heartland Contractors, Inc., for the Purpose of Constructing Phase II, of the Downtown Revitalization Project, Maryville, Missouri

On November 16, 2010, the City opened bids for Phase II of the Downtown Revitalization project. Four (4) bids were received with the low bid coming from Heartland Contractors, Inc., at a total price of \$190,502.00. Approval has been received from Missouri Department of Transportation (MODOT) and Community Development Block Grant (CDBG) for the proposed contract.

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 Councilwoman Cummings, seconded by Councilman Moss that Heartland Contractors Inc., be awarded the contract for Phase II, Downtown Revitalization project, by approving Council Bill No. 2010'106, as presented.

Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7284 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, assigning Contract No. 2010-50.

AMINO BROTHERS COMPANY, INC., PHASE III, DOWNTOWN REVITALIZATION PROJECT

The City Clerk presented a bill, being Bill No. 2010'107 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Amino Brothers Company, Inc., for the Purpose of Constructing Phase III, of the Downtown Revitalization Project, Maryville, Missouri

On November 16, 2010, the City opened bids for Phase III of the Downtown Revitalization project. Four (4) bids were received with the low bid coming from Amino Brothers Company, Inc., at a total price of \$315,902.50, which includes the alternate bid to asphalt the entire square around the Courthouse. Approval has been received from Missouri Department of Transportation (MODOt) and Community Development Block Grant (CDBG) for the proposed contract. A Change Order deduction is expected for asphalt on the south side of the square, since the Missouri Department of Transportation (MODOt) overlaid this portion the summer 2010.

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 Councilwoman Cummings, seconded by Councilman Moss that Heartland Contractors Inc., be awarded the contract for Phase III, Downtown Revitalization project, by approving Council Bill No. 2010'107, as presented.

Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7285 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, assigning Contract No 2010-51.

UTILITY SOLUTIONS, LLC, FOR MANHOLE REHABILITATION/REPLACEMENT PROJECT

The City Clerk presented a bill, being Bill No. 2010'112 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Utility Solutions, LLC, for the Purpose of Manhole Rehabilitation/Replacement in Watershed I, Maryville, Missouri

Two (2) bids were received and opened for the rehabilitation/replacement of manholes. Bids were submitted by White Cloud Engineering and Construction Company (\$45,000) and Utility Solutions (\$19,075). White Cloud Engineering and Construction bid as a replacement proposal, while Utility Solutions' bid mostly for rehabilitation of the manholes. It was recommended that Utility Solutions be awarded the contract at \$19,075.

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 Councilwoman Cummings, seconded by Councilman Wake that the lot split request be granted by approving Council Bill No. 2010'112, as presented. Upon roll being called, the roll was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7386 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, assigning Contract No. 2010-52.

CONTRACT WITH WHITE CLOUD ENGINEERING FOR DESIGN/BUILD, HIGH SERVICE PUMPS

The City Clerk presented a bill, being Bill No. 2010'113 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with the White Cloud Engineering and Construction, Company, Inc., for the Purpose of Design/Build Installation of High Service Pumps and Variable Frequency Drives at the Water Treatment Facility, Maryville, Missouri

Three (3) bids were received for the design/build installation of three (3) high service pumps and three (3) variable frequency drives, relocation and placement of some piping at the Maryville Water Treatment Facility. Bids were received from White Cloud Engineering, Irvinbilt Company, and David E. Ross. White Cloud Engineering and Construction was low bidder at \$466,666. This amount is over the budgeted amount but, it was noted that funds are available in the budget for the replacement of the 12" water main coming from the water treatment facility. Approximately \$200,000 would be used from that line item to pay for the project.

City Manager LeCerf explained that this project is part of a Supplemental Environmental Project under an Administrative Order with the United States Environmental Protection Agency and a Reinvestment and Recovery Act Program from the Department of Natural Resources Energize Missouri Communities Program. This project must be completed and fully operational no later than October 15, 2011.

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 Councilwoman Cummings, seconded by Councilman Jonagan that Council Bill No. 2010-113, be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7287 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and assigning Contract No. 2010-53.

MEMORANDUM OF UNDERSTANDING, MARYVILLE R-II SCHOOL DISTRICT, RESOURCE OFFICER

The City Clerk presented a bill, being Bill No. 2010'114 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with the Maryville R-II School District, for the Purpose of Providing a School Resources Officer for Public Schools

An agreement was presented, between the City of Maryville and the Maryville R-II School District for the City to provide a School Resource Officer for Public Schools in exchange of paying 75% of the officer's salary and benefits. Public Safety Officer Josh McMillen has been selected to fill the position, beginning January 2, 2011.

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 Councilwoman Cummings, seconded by Councilman Jonagan that Council Bill No. 2010-114, be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7288 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and the agreement being Contract No. 2010-54.

AQUATERRA ENVIRON. SOLUTIONS, GROUNDWATER MONITORING, AT LANDFILL

The City Clerk presented a bill, being Bill No. 2010'115 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with the Aquaterra Environmental Solutions, Inc., for the Purpose of Providing Groundwater Monitoring Services for the Year of 2011, Maryville Sanitary Landfill

A proposal was received for groundwater monitoring services for February, May, August, and November of 2011. The proposed agreement would be the quarterly groundwater monitoring that is required per the settlement agreement between the City of Maryville and the Missouri Department of Natural Resources (MDNR), and the Missouri Attorney General's office. (AGO). The fee for this service will be \$14,500 per event for a total cost of \$85,000.

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 Councilwoman Cummings, seconded by Councilman Jonagan that Council Bill No.

2010-115 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7289 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and the agreement being Contract No. 2010-55.

AQUATERRA ENVIRON. SOLUTIONS, GREEN HOUSE GAS RULE COMPLIANCE, LANDFILL

The City Clerk presented a bill, being Bill No. 2010'116 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with the Aquaterra Environmental Solutions, for Green House Gas Rule Compliance, Maryville Sanitary Landfill

Aquaterra Environmental Solutions provided a proposal for professional engineering services that would assist in meeting compliance for the green house gas reporting rule. The proposal was broken down into four (4) tasks with a total cost of \$5,500. Aquaterra personnel believe that the City will be required to only fulfill Task 1, which has a cost of \$1,200.

City Manager LeCerf explained that this project is part of a Supplemental Environmental Project under an Administrative Order with the United States Environmental Protection Agency and a Reinvestment and Recovery Act Program from the Department of Natural Resources Energize Missouri Communities Program. This project must be completed and fully operational no later than October 15, 2011.

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 Councilwoman Cummings, seconded by Mayor Jackson that Council Bill No. 2010-116 be approved as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7290 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and assigning Contract No. 2010-56.

REPORTS

City Manager

- Nothing.

Council Members

- Councilman Moss reported that he had been contacted by two (2) businesses who responded to the request for proposal for electrical supplies to be used at the Mazingo bathhouse on the west side of the lake. They inquired about the Maryville Procurement Policy regarding the local purchasing preference policy, which

states that if a local bidder is within two percent of the lowest bid from an out of town bidder on a construction or other formally bid project from \$5,000.00 up to \$1,000,000.00, and within one percent on such project from \$1,000,001.00 up to \$5,000,000.00, then the local bidder will be awarded the bid, with a few exceptions listed, such as when Federal or State funds are attached. He suggested that the Council should consider a similar policy for bids under \$5,000. An ordinance will be drafted for consideration at the next meeting.

- Mayor Jackson stated that he may not be available at the January 10, 2011, City Council meeting.

ADJOURNMENT

Motion was made by Councilman Jonagan, seconded by Councilman Moss that the Council adjourned. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

Chad Jackson, Mayor

Sheila Smail, City Clerk