

Maryville City Council
Regular Session
April 12, 2010

6:00 P.M.

EXECUTIVE SESSION

The Members of the Maryville City Council met in closed session at 6:00 p.m., with the following members present: Mayor Jackson, Council Members, Carole Coutts, Patricia Cummings, Shawn Wake, Ronnie Moss. Council members were present to discuss an issue regarding Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote.

7:00 P.M.

OPENING OF THE MEETING

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, April 12, 2010, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING: PROPOSED ADOPTION OF RE-CODIFIED MUNICIPAL CODES

Mayor Jackson opened the Public Hearing, allowing persons to speak regarding the proposed adoption of the re-codified municipal codes of the City of Maryville. Any persons wishing to speak were requested to come forward and state their name and address for the record.

Mr. Roger Anderson, 1232 East Crestview, asked for the reason why the new animal ordinance, no longer limit the number of animals allowed per household.

Councilwoman Cummings explained that the committee selected to re-evaluate this section of the ordinance, felt it was not as important to limit the number of pets per household as it was to identify the care in which they receive by the owner. The new ordinance clearly defines expectations of cleanliness, noise, and standards of care, which has been proven to be more enforceable than limiting the number of pets allowed. It was established to better serve the owner, animal and law enforcement. Studies have shown that owners are more apt to license their animals under regulations of this nature, as opposed to ordinances that simply limit the number of animals.

TOWNHALL DISCUSSION: PROPOSED TIME EXTENSION OF FIREWORKS

Mayor Jackson stated anyone present who would like to speak in favor or against the proposed time extension of the use of common fireworks. Any persons wishing to speak were requested to come forward and state their name and address for the record. No persons appeared to be heard.

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 Carole Coutts, Patricia Cummings, Shawn Wake, and Ronnie Moss. Others present were City Manager Matt LeCerf, Dir., Finance Denise Town; Dir., Public Works Greg Decker; City Attorney Doug Thomson and City Clerk Sheila Smail.

APPROVAL OF AGENDA

Mayor Jackson asked if there were any changes needed to the agenda, they be noted at this time. Mayor Jackson recommended the "Pledge to the Flag" be added. A motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the agenda be approved with the addition of the pledge to the flag. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Jackson asked if there were any amendments to the minutes presented for City Council meetings held March 4 and 22, 2010 as well as Executive Session minutes regarding personnel matters and the Nagel property.

Motion was made by Councilwoman Cummings, seconded by Councilman Moss, that the minutes be approved, as presented. Upon the roll being called, the vote was as follows, Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

CITIZENS TO BE HEARD

Mayor Jackson 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 come forward and state their name and address for the record.

Nodaway County Presiding Commissioner Joe Baumli, 30613 US Hwy 71, presented to the City Council his concern of the efforts to consolidate the Nodaway County Sheriff's Department and Maryville Public Safety's 911 operations.

Nodaway County Sheriff Darren White 22065 Valley View Drive, stated that the community is eager to see this consolidation become a reality. It was his belief that there would be a savings. The Public Safety Department and Nodaway County Sheriff's Department each have their own 911 operations. He suggested that sooner or later we will be forced to consolidate.

Councilwoman Cummings stated that the issue has been researched through the Joint Task Force Commission and it was agreed by all parties involved that funding to support the operation was not available and that funding would need to be a result of Nodaway County requesting support by putting the issue on the ballot. It was agreed at that time that it would be difficult to pass a levy. The City's 911 system provides the necessary benefits to city residents. Missouri is the only State in the nation that does not have a 911 tax for 911 services. It was hoped that the State would implement this tax to make it available to all.

City Council Members encouraged County officials to take a look at the findings from the Joint Task Force Commission and find a way to work out the financial issues, the City will be willing to re-engage in discussions.

SPECIAL EVENT REQUEST – 5K RUN BY NE NODAWAY SCHOOL, JEREMY COVEY

An application was received from Jeremy Covey, of Northeast Nodaway Schools, requesting to hold a 5K run on streets of the City, beginning at the Maryville Community Center, going north on North Country Club Road, east on West 19th Street, south on Clayton Avenue, east on West 16th Street, south on North College Avenue, through the Northwest Campus, to North Country Club Road returning to the point of beginning. There was no assistance needed from the city and the insurance and indemnification forms were provided as required.

Motion was made by Councilman Wake, seconded by Councilwoman Coutts that the request for the 5K run be approved as presented. Thereupon, roll was called with the vote being as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

PROCLAMATION HONORING COUNCILWOMAN CAROLE COUTS

Mayor Jackson read a proclamation honoring Councilwoman Carole Coutts who has served on the Maryville City Council for the past seven (7) years. On March 3, 2003, she was appointed to serve the vacancy left by Senator Brad Lager, as he entered into State government. Councilwoman Coutts was re-elected to serve another three (3) year term in 2004 and 2007.

WASTEWATER FACILITY UPDATE BY JARED FINDLEY, UNIVERSAL ASSET MANAGEMENT

Jared Findley, Universal Asset Management (UAM) was present to give an update on the process of developing the wastewater facility that will be constructed to meet and exceed the new requirements, set by the Missouri Department of Natural Resources, in remove ammonia and provide disinfection. The construction upgrade is required to be complete by the permit renewal period, of March 2012. After looking at the options in meeting the present and future needs for effluent requirements it was determined that upgrades will be required to the lagoons. The first phase of this project was to identify what the effluent limits would be. The State has implemented an upgrade to the ammonia degradation requirements. It will be determined by the receiving stream and

how large it is and what the needs are upstream. Mr. Findley stated that through studies performed, an upgrade to the current system would be needed.

It was recommended by UAM that Phase II be implemented, which is to file the anti-degradation. UAM is studying new methods used in removing ammonia in cold weather, which have been proven to be effective.

Mr. Findley was given the notice to proceed in filing the anti-degradation by the City Council Members.

TREASURER'S REPORT

Dir., Finance Denise Town reported that during the month of March 2010, there were no non-reoccurring funds received. Non-reoccurring expenditures for the Month of March included Nucor-LMP's annual TIF reimbursable project costs (\$18,695.59), Universal Asset Management-wastewater project costs (\$38,600.00), and Buscomm, Inc.-Audiolog for Public Safety Communications (\$20,099.01)

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Wake, seconded by Councilwoman Cummings, that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Council Wake, yea; Mayor Jackson, yea. Motion carried.

REPEAL/ADOPT SECTION 555.120: SIGNS WITHOUT SPECIFIC ZONES, SUBSECTION 3,a, (4)

The City Clerk presented a bill, being Bill No. 2010'21 for an Ordinance entitled:

An Ordinance to Repeal Section 555.120: Signs Within Specific Zones, Subsection 3, a, (4), of the Maryville Municipal Codes, and to Adopt a New Section 555.120: Signs Within Specific Zones, Subsection 3, a, (4), Pertaining to the Same Subject

During the March 22, 2010 Council meeting a motion was made to table the issue until further evaluation was done, by the MCCA Committee. A motion was made by Mayor Jackson, seconded by Councilman Wake, that this issue be removed from the table for further discussion. Thereupon roll was called, with the vote being as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

City Manager LeCerf reported that the MCCA Committee responded by stating that they approved of the proposed changes to the ordinance.

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 Wake, seconded by Councilwoman Cummings, during the March 22, 2009 meeting, to approve the proposed amendments to Council Bill No. 2010'21. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea, Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7201 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

ADOPTION OF RE-CODIFICATION OF CODE OF ORDINANCES OF THE CITY OF MARYVILLE

The City Clerk presented a bill, being Bill No. 2010'25 for an Ordinance entitled:

An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Maryville; establishing the same; providing for the repeal of certain ordinances not included therein, expressly provided; providing for the manner of amending such Code of Ordinances; providing penalty for the violation thereof; and providing when this ordinance shall become effective

Discussion was had regarding the changes made to the various changes made to the codes.

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 Councilwoman Wake, that Council Bill No 2010'25 be adopted, providing for the adoption of the re-codified codes. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7202 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

FINDINGS OF ELECTION OF CITY COUNCIL MEMBER, HELD APRIL 7, 2009

The City Clerk presented a bill, being Bill No. 2010'26 for an Ordinance entitled:

An Ordinance Finding and Declaring the Results of the General Election Held in the City of Maryville, Missouri, on April 6, 2010, Finding and Declaring that Chad Jackson and Glenn Jonagan Were Duly Elected as Members of the City Council of the City of Maryville, Missouri, for a Three Year Term

There were four (4) candidates for two (2) City Council positions with Chad Jackson and Glenn Jonagan duly elected. The results were as follows:

Chad Jackson	Total votes	453
Joseph Belanger	Total votes	51
Mark Galbraith	Total votes	198
Glenn Jonagan	Total votes	347
_____	Total votes	0
(write-in)		

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 Coutts seconded by Councilwoman Cummings, that Council Bill No 2010'26 be adopted. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7203 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

OATH OF OFFICE

The City Clerk administered the oath of Office to Chad Jackson and Glenn Jonagan. Following the oath of office, Councilman Jackson and Councilman Jonagan took his positions as members of the City Council.

APPOINTMENT OF MAYOR AND MAYOR PRO-TEM

Mayor Jackson declared the floor to be open for nominations for Mayor for the coming year.

Nomination was made by Councilman Moss, that Chad Jackson be re-appointed as Mayor of the City of Maryville, Missouri. Motion was made by Councilman Wake, seconded by Councilman Moss that nominations cease.

Mayor Jackson declared the floor open for nomination for Mayor Pro-Tem. Nomination was made by Councilwoman Cummings, seconded by Councilman Moss, that Councilman Wake be appointed as Mayor Pro-Tem for the coming year. Motion was made by Councilman Moss, seconded by Councilwoman Cummings that nominations cease.

Thereupon roll was called to approve the appointments of Chad Jackson as Mayor and Shawn Wake as Mayor Pro-Tem, for the coming year. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Cummings, yea; Councilman Jonagan, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

PROPOSED TIME EXTENSION FOR USE OF COMMON FIREWORKS

Mayor Jackson stated it had been suggested that the city consider the extension of the use of common fireworks from July 4, from 8a.m. until 11:00 p.m. to July 1-5, 8 a.m. until 11:00 p.m., as well as possibly at new years. Mayor Jackson provided a table identifying various cities in the State and their restrictions of sales and use of common Fireworks.

Council Members Cummings and Moss expressed their opposition of the proposal.

Motion was made by Mayor Jackson, seconded by Councilman Wake, to approve the extension of the use of common fireworks from July 1-5. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Moss, nay; Councilman Jonagan, nay; Councilwoman Cummings, nay; Mayor Jackson, yea. Motion failed.

CONTRACT AWARD WITH CB& I FOR WATER TOWER PROJECT

The City Clerk presented a bill, being Bill No. 2010'27 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Chicago Bridge and Iron (CB & I), for the Purpose of Constructing Two 750,000 Gallon Water Towers, for the City of Maryville

Dir., Public Works Greg Decker explained that upon opening bids for construction of the two water towers, Chicago Bridge and Iron (CB & I) submitted a bid in the amount of \$2,489,000, being low bid. The bids were submitted with four (4) alternates being as follows:

1. Bid Alternate 1A was for the use of a tide flex mixing system on both water towers, at \$78,000.00.
2. Bid Alternate 1B was for the use of a fresh mix mixing system on both water towers, at \$34,000.00.
3. Bid Alternate 1C was to add provisions for future antennas on both water towers including the foundation penetrations and wall and footing penetrations for roof mount supports, conduit supports and all other work associated with the accommodations of future antennas, at \$19,000.00.
4. Bid Alternate 1D was for adding the City of Maryville crest to the south tank only, adjacent to the City of Maryville name, which includes materials and labor, at \$11,000.00.

It was recommended by City Staff that they accept the bid by CB & I with Alternative 1B and 1D, bringing the total bid amount to \$2,534,000.00.

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 Councilwoman Cummings, that Council Bill No 2010'27 be adopted, authorizing the execution of a contract with CB & I for the construction of two (2) 750,000 gallon water towers. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7204 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Contract was noted as Contract No. 2010-12.

**AWARD CONTRACT TO HB CONSTRUCTION, MARYVILLE TRAILS,PROJECT, PHASE A-II,
PROJECT NO. ARRA-ES01(002)**

The City Clerk presented a bill, being Bill No. 2010'28 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with HB Construction, inc., for the Purpose of Constructing Maryville Trails Project, Phase A-II, Project No. ARRA-ES01 (002), for the City of Maryville

City Manager LeCerf explained that on January 28, 2010, five (5) bids were opened for the Maryville Trails Project, Phase A-II, Project No. AARA-ES01(002), with HB Construction, Inc., of Platte City being low bidder. Mr. LeCerf reminded the Council that the city had received a grant through Missouri Department of Transportation in the amount of \$284,000. The total cost for engineering (design and construction observation) is \$49,582 and the City's out of pocket expense for the project will be approximately \$40,000.00.

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 Council Bill No 2010'28 be approved, authorizing the execution of a contract with HB Construction, Inc., for the construction of the Maryville Trails project, Phase A-II, Project No. ARRA-ES01(002). Upon roll being called, the vote was as follows: Councilman Moss, abstain; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7205 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Contract was noted as Contract No. 2010-13.

REPORT

I. City Manager

- None

II. Council

- Councilwoman Cummings inquired about the letter of understanding for the dog licensing being turned over to the Nodaway County Humane Society and requested it be brought to the Council for approval within thirty (30) days.
- Councilman Jonagan expressed his respect and appreciation for the year Carole Coutts spent serving on the Maryville City Council.
- Councilman Wake stated that NWMSU has received a glass crusher and he will have more information at the next council meeting.
- Mayor Jackson asked for feedback from the Council members regarding the extension of open burning thru April 21. The Council agreed with the request.

ADJOURNMENT

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

Chad Jackson, Mayor

Sheila Smail, City Clerk