

Maryville City Council Meeting
Regular Session
September 13, 2010
7:00 p.m.

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, September 13, 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 Pro-Tem Wake and the roll was called by the City Manager, with the following present to-wit: Mayor Pro-Tem Shawn Wake, Council Members Glenn Jonagan and Ronnie Moss. Mayor Chad Jackson and Councilwoman Cummings were not present. Others present were City Manager Matt LeCerf, Dir., Public Safety Keith Wood; City Attorney Doug Thomson, and Dir., Finance Denise Town.

INVOCATION

The invocation was given by Councilman Moss.

APPROVAL OF AGENDA

Mayor Pro-Tem Wake asked if there were any changes needed to the agenda, they be noted at this time. A motion was made by Councilman Moss, seconded by Councilman Jonagan, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Pro-Tem Wake asked if there were any amendments to the minutes presented for City Council meetings held August 9 and 23, 2010.

Motion was made by Councilman Jonagan, seconded by Councilman Moss, that the minutes be approved, as presented. Upon roll being called, the vote was as follows, Councilman Moss, yea; Councilman Jonagan, yea; Mayor Pro-Tem Wake, 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.

Dee Barnes, 25203 Jaguar Road, stated that she wanted to recommend to the Council to review the dog license ordinance to change it to exempt service animals in general, rather than specifically "seeing eye" dogs, from obtaining a city dog license.

City Manager LeCerf informed Ms Barnes that the City is looking at that issue already and that it should be presented to the Council soon.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the one non-reoccurring income was received for the second quarter 911 tax distribution, in the amount of \$34,351.75. Non-reoccurring bills paid included Peoples Services, for chemical overages (\$20,000); Keller Construction, for the asphalt street project, (\$272,427.50); Missouri Department of Natural Resources, for water and sewer primacy fees, annual pass-thru, (\$18,285.42); Loch Sand and Construction for the retaining wall project at the Street Garage, (\$30,583.56); Northwest Missouri State University for MOERA grant project, to be reimbursed from MDNR, (\$39,325.50); Olsson Associates for water tower and Eugene Field Trails projects, (\$15,714.78).

Motion was made by Councilman Moss, seconded by Councilman Jonagan, that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Jonagan seconded by Councilman Moss, that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

SOUTHDALE SUBDIVISION GREEN SPACE

Councilman Jonagan reported that he and Mayor Jackson met to discuss pursuing the takeover of the greenspace in the Southdale Subdivision. He suggested that if the City could obtain the land, that they should take advantage of the opportunity and develop a plan in making improvements. The Gibsons have agreed to pay for a re-plats needed for the transition. It was discussed that maybe a stormwater basin could be developed to hold rainwater. Councilman Jonagan and City Manager LeCerf will continue communication with the Gibsons to negotiate and develop a contract that works for all involved.

LOT SPLIT – 1601 NORTH DEWEY STREET, BY RAY HANNA

The City Clerk presented a bill, being Bill No. 2010'71 for a Resolution entitled:

A Resolution Authorizing the Lot Split of Property Owned by Ray Hanna, Located at 1601 North Dewey Street, of the City of Maryville, Nodaway County, Missouri

A request was received from Ray Hanna, owner of the property located at 1601 North Dewey Street, requesting a lot split be approved so that he can sell the small portion to Dr. and Mrs. Jerry Wilmes, to allow for a twenty-five foot (25') access to their property, at 1605 North Dewey Street.

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

Motion was made by Councilman Moss, seconded by Councilman Jonagan, to approve the requested lot split. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, Mayor Pro-Tem. Motion carried.

Said bill was then numbered Resolution No. 565 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

LOT SPLIT –302 EAST 6TH STREET, OWNED BY CITY OF MARYVILLE

The City Clerk presented a bill, being Bill No. 2010’72 for a Resolution entitled:

A Resolution Authorizing the Lot Split of Property Owned by the City of Maryville, Located at 302 East 6th Street, of the City of Maryville, Nodaway County, Missouri

In an attempt to rid the city of a tagged house, the City of Maryville purchased the property at 302 East 6th Street, and plan to have the house demolished and some of the trees removed. The lot the house sits on is a double lot, so the City is requesting a lot split be done to allow for the sale of two (2) lots.

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

Motion was made by Councilman Moss, seconded by Councilman Jonagan, to approve Council Bill 2010’72, and approve the requested lot split. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea; Motion carried.

Said bill was then numbered Resolution No. 566 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

DEMOLITION OF 302 EAST 6TH STREET, LOCH SAND AND CONSTRUCTION CO.

The City Clerk presented a bill, being Bill No. 2010’73 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Loch Sand and Construction Company, for the Purpose of Demolition and Removal of the Structure and Removal of Certain Trees, at 302 East 6th Street, Maryville, Missouri

The City of Maryville submitted a request for bids for the demolition and removal of the structure of a house, and removal of certain trees on the lot at 302 East 6th Street. Loch Sand and Construction was the lowest bidder of the four (4) bids received. It was recommended by staff that the contract be awarded to Loch Sand and Construction Company, to perform the demolition and tree removal project.

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

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

Motion was made by Councilman Jonagan, seconded by Councilman Moss, that Council Bill No. 2010’73 be approved as presented, at a contracted price of \$18,835. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7242 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with approval of Contract 2010-33.

CHANGE ORDER NO. 3, OF RETAINING WALL CONTRACT, WITH LOCH SAND AND CONST.

The City Clerk presented a bill, being Bill No. 2010'74 for an Ordinance entitled:

An Ordinance Approving Change Order No. 3 of a Contract With Loch Sand and Construction Company, Inc., for the Purpose of Providing Improvements to the Retaining Wall Located at the City Street Garage, Maryville, Missouri

City Manager LeCerf reminded the Council of the discussion had at the August 9, 2010 Council meeting regarding the additional cost incurred that the insurance company was not anticipated to pay for constructing the new retaining wall. At that time an additional \$5,674.50 had been approved to be paid.

After cost review by MIRMA and their claims office, they are asking the City to pay a total of \$8,654.83. the additional cost is associated to the cost of the brow drain which is an improvement to the new wall, not a part of the original wall that fell. The Council was asked to approve the total financial responsibility of \$8,654.83.

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

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

Motion was made by Councilman Moss, seconded by Councilman Jonagan, that Council Bill No. 2010'74 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7243 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and made a part of Contract No. 2009-57.

CONTRACT FOR PROFESSIONAL SERVICES BY OLSSON ASSOCIATES, WEST 16TH STREET

The City Clerk presented a bill, being Bill No. 2010'75 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Olsson Associates, for the Purpose of Providing Professional Consultation and Construction Observation Services, for the West Sixteenth Street Improvement Project, Maryville, Missouri

A contract was presented for consideration and approval for Construction Observation services for West 16th Street. This contract is intended to be sure that the design developed and engineered by Olsson Associates meets construction standards. The cost for Construction Observation is \$24,700.00

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 Councilman Jonagan, that Council Bill No 2010'75 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7244 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and recorded as Contract No. 2010-34.

CONTRACT FOR CONSTRUCTION OF WEST 16TH STREET, BY LOCH SAND & CONSTR.

The City Clerk presented a bill, being Bill No. 2010'76 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Loch Sand and Construction Company, Inc., for the Purpose of Constructing the West Sixteenth Street Project, Maryville, Missouri

The City received two bids resulting in the request for bids to construct West Sixteenth Street, one from Loch Sand and Construction and the other from Amino Brothers Construction. Loch Sand and Construction was the lowest bidder, with a bid of \$873,869.55. It was recommended that the City approve the bid submitted by Loch Sand and Construction Company.

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 Council Bill No 2010'76 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7245 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and recorded as Contract No. 2010-35.

CONTRACT WITH INSITUFORM TECHNOLOGIES USA, INC., LINING SANITARY SEWERS

The City Clerk presented a bill, being Bill No. 2010'77 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Insituform Technologies USA, Inc., for the

Purpose of Providing Services of Lining Sanitary Sewer Mains, Maryville, Missouri

Requests for quotes were sought for the lining of approximately 950 linear feet of sewer main. Two (2) of the three (3) companies contacted, responded with Insituform coming in as the lowest bidder at \$23,589.00, SAK Construction also submitted a bid of \$31,400.00. Insituform Technologies was recommended to be contracted for the project for lining sanitary sewerline mains.

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

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

Motion was made by Councilman Moss, seconded by Councilman Jonagan, that Council Bill No 2010'77 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7246 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and recorded as Contract No. 2010-36.

COOPERATIVE AGREEMENT WITH NWMSU, ROAD TO COMMUNITY CENTER

The City Clerk presented a bill, being Bill No. 2010'78 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Execute a Memorandum of Understanding with Northwest Missouri State University, for the Purpose of Constructing an Additional Access Drive Off Centennial Drive to the Maryville Community Center, Maryville, Missouri

The City of Maryville was asked to enter into an agreement with Northwest Missouri State University (NWMSU) to allow a road to be constructed from the Community Center parking lot to Centennial Drive, allowing for an additional access road. The City is asked to sign on behalf of the Park and Recreation Department. This roadway will include a five foot (5') sidewalk.

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 Council Bill No 2010'78 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7247 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and recorded as Contract No. 2010-37.

APPROVAL OF AN EASEMENT WITH NORTHWEST MISSOURI STATE UNIVERSITY

The City Clerk presented a bill, being Bill No. 2010'79 for an Ordinance entitled:

An Ordinance to Accept an Easement for the Purpose of Constructing an Additional Access and/or Utilities, of Property Owned by Northwest Missouri State University, Located Off Centennial Drive, to the Maryville Community Center, Maryville, Missouri

The easement presented will provide the Maryville Park and Recreation access to university land to construct a road from the Community Center parking lot to Centennial Drive, upon approval and signature by NWMSU official.

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

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

Motion was made by Councilman Moss seconded by Councilman Jonagan, that Council Bill No 2010'79 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7248 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

MEMORANDUM OF UNDERSTANDING, CITY AND PARK AND RECREATION, ACCESS ROAD

City Clerk presented a bill, being Bill No. 2010'80 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Understanding with the Maryville Park and Recreation Board, Related to an Agreement Between the City of Maryville and Northwest Missouri State University, to Construct an Access Road to the Maryville Community Center, Maryville, Missouri

The ordinance presented was for the purpose of entering into an agreement between the City of Maryville and the Maryville Park and Recreation Department, regarding the additional access road to the Community Center, with land being provided by Northwest Missouri State University.

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.

A motion was made by Councilman Jonagan, seconded by Councilman Moss, that Council Bill No 2010'80 be approved. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Moss, yea; Mayor Pro-Tem Wake, yea. Motion passed.

Said bill was then numbered Ordinance No. 7249 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-39.

REPORT

I. City Manager

- A public notice regarding smoke testing, beginning September 14 has been sent out.
- The approval of the contract to demolish the property located at 302 East 6th Street and the lot split approval will enable the City to eventually be able to sell the lots. NW Technical School has expressed interest in purchasing one of the lots to construct a house.
- Sunday, October 3, 2010, the Life Chain will be gathering for a demonstration of pro-life, along Main Street.

II. Council

- Councilman Jonagan inquired about the progress of contacting a zoning consultant. City Manager LeCerf stated that a Request for Proposal will be sent out the following week, with a thirty (30) day bid period, with a pre-bid conference to be scheduled.
- Councilman Jonagan also asked about the former discussion of a rain garden and if the property owners have been contacted. Mr. LeCerf explained that the present budget does not have money available but the upcoming budget year it may be possible and that the property owners have not be notified.
- It was suggested that future action toward developing an Enhanced Enterprise Zone (EEZ), the political entities should meet to discuss the topic and develop a plan that will benefit all. Since the County initiated talk of the cooperative efforts, it was thought that the County should lead the efforts in developing an EEZ.
- Councilman Moss stated that he would be absent for the next three (3) City Council meetings.

ADJOURNMENT

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

Chad Jackson, Mayor

Sheila Smail, City Clerk