

**Maryville City Council Meeting**  
**Regular Session**  
**November 8, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, November 8, 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 Jackson, Council Members Shawn Wake, Ronnie Moss, Glenn Jonagan, and Patricia Cummings. Others present were City Manager Matt LeCerf, Dir., Public Safety Keith Wood, Dir., Finance Denise Town, Water/Sewer Maintenance Supervisor Eric Lance, Human Resource Manager Amy Strough and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

The pledge to the flag was lead by Mayor Jackson.

**INVOCATION**

The invocation was given by Reverend Scott Moon, First Methodist Church.

**APPROVAL OF AGENDA**

Mayor Jackson asked if there were any changes needed to the agenda, they be noted at this time. Item #7, CAFR Award for FY 2009, was postponed. A motion was made by Councilman Moss, seconded by Councilman Wake, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilman Cummings, 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 October 11 and 25, 2010; and executive session minutes regarding the potential acquisition of land.

Mayor Jackson stated that he wanted to clarify the tiers schedule for sale of water to Rural Water. He stated that the first tier was set at 85% of the rate set (\$3.96), tier two was 80% of the rate set, and tier three is 75% of the rate set. It was stated in the minutes that tiers two and three were percentages of the tier prior to it, which was not the intent.

City Attorney Thomsen was not present at the October 11, 2010 meeting.

In the July 12, 2010 executive session minutes, second paragraph, where it reads “the City Council made a motion to negation the potential by Councilman Cummings...”, it was recommended that “ acquisition of property” be inserted between “potential” and “by”.

Motion was made by Councilwoman Cummings, seconded by Councilman Jonagan, that the minutes be approved, as amended. Upon roll being called, the vote was as follows, Councilman Moss, yea; Councilman Jonagan, 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 a part of the agenda. 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.

**GREAT NORTHWEST DAYS – SUPPORT AND DISCUSSION ITEMS**

Luke Reven, Dir., Greater Maryville Chamber of Commerce, announced that the Great Northwest Days event is scheduled for the spring. He asked for financial support from the City for the trip to the State Capital to visit with State Officials about issues that concern the Maryville community.

Mr. Reven asked the Council for topics of discussion to take to Jefferson City.

It was suggested that the 911 surcharge for cell phones be revisited, as well as changing the workman's compensation definition to read as intended to be an "accident". The Council stated that most topics that were addressed last year could be revisited.

A motion was made by Councilwoman Cummings, seconded by Councilman Wake to approve financial support for the Great Northwest Days, in the amount of \$1,500. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

#### **TREASURER'S REPORT**

Dir., Finance Denise Town reported that the city received reimbursement for the Eugene Field School, Safe Routes to School trail project, from Missouri Department of Transportation for engineering and construction work (\$159,112.19). Non-reoccurring bills paid were to Keller Construction for the asphalt project (\$104,325); CB & I, Inc., pay request #2 for the water tower construction project (\$128,646); Loch Sand & Construction, house demolition (\$18,835); Loch Sand & Construction, Eugene Field SRTS trail, request #1, (\$148,014.72); Missouri Development Finance Board, DREAM project (\$17,001.33); HB Construction, pay request #1 (\$95,359.05) and pay request #2 (89,039.34); Nodaway County Economic Development (NCED), annual support (\$37,000), Olsson Associates, various projects (\$56,905.29)

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

#### **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilwoman Cummings seconded by Councilman Moss, that the payment vendor schedule be approved as presented. Upon the 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.

#### **CHANGE ORDER NO. 1, SRTS EUGENE FIELD SCHOOL TRAIL CONTRACT**

The City Clerk presented a bill, being Bill No. 2010'96 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 1 of a Contract with Loch Sand and Construction Company, for the Purpose of Constructing Trails for SRTS-INF-H28(104), Eugene Field School Trails, Maryville, Missouri**

Change Order No. 1 was presented as a deduction of \$ \$1,810.22, of Contract No. 2010-23.

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, to approve Council Bill No 2010'96 as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7262 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and being a part of Contract No. 2010-23.

#### **OUTDOOR STORM SIRENS WARNING SYSTEM, OUTDOOR WARNING CONSULTANTS**

The City Clerk presented a bill, being Bill No. 2010'97 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Outdoor Warning Consultants, for the Purpose of Purchasing A Solar Powered Outdoor Storm Siren System, Maryville, Missouri**

A request was made to replace the City's current storm siren system with a seven siren system, one siren to be placed at the Mazingo Lake Park/Mazingo Golf Course area. Outdoor Warning System was recommended to be selected as the vendor chosen to purchase a solar siren system from. Dir., Public Safety Keith Wood reported that the sirens will project a consistent sound and will not rotate. The new siren intended to replace the one behind City Hall will be moved to the vicinity of the Public Safety Building. The new system will operate by sounding a siren or voice projection and can be activated individually or as a group. Northwest Missouri State University will have the capability of activating the siren on campus, from the University. This project has a total cost of \$137,341 and will be financed in part by a grant through Northwest Missouri Regional Council of Governments.

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, to approve the contract with Outdoor Warning Sirens as stated in Council Bill No 2010'88. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7263 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and being a part of Contract No. 2010-44.

#### **PURCHASE OF MINI EXCAVATOR, WATER/WASTEWATER MAINTENANCE DEPARTMENT**

The City Clerk presented a bill, being Bill No. 2010'98 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Victor L. Phillips Company, for the Purpose of Purchasing a Mini Excavator, for the Water/Wastewater Maintenance Department, Maryville, Missouri**

A request was made by the Water/Wastewater Maintenance Department to purchase a mini excavator at the cost of \$50,401. This machine will enable the department to work in tight areas such as alleyways.

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 Wake, seconded by Councilman Moss, to approve Council Bill No. 2010'98 as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7264 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and was the approval of Contract No. 2010-45.

#### **UTILIZATION OF FUNDS FOR MITIGATING INFLOW AND INFILTRATION**

The City Clerk presented a bill, being Bill No. 2010'99 for a Resolution entitled:

**A Resolution to Declare the Intent of the 2010 Maryville City Council to Utilize Funds for the Purpose of Mitigating Inflow and Infiltration of Storm Water from the City of Maryville Sanitary Sewer System**

The Maryville City Council reviewed a resolution stating the intent of the City to address the inflow and infiltration issues in the sanitary sewer system. An Inflow and Infiltration Assessment and Reduction Plan, put together by staff, contains the method of detecting and repair of various degrees of intensity.

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 Wake, seconded by Councilman Moss, to approve Council Bill No. 2010'99. 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 Resolution No. 569 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **PURCHASE OF CONSTRUCTION MATERIALS FOR BATHHOUSE AT EQUESTRIAN TRAILS**

The City Clerk presented a bill, being Bill No. 2010' 100 for a Resolution entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Bearcat Lumber Company, for the Purpose of Purchasing Construction Materials for Construction of a Bathhouse for the Equestrian Trails Project, Mozingo Lake Park, Maryville, Missouri**

Three (3) bids were received for the construction of the bathhouse as part of the development of the equestrian trail at Mozingo Lake Park. Bids were received from Bearcat Lumber Company, Drake Lumber, and Maryville Lumber, with Bearcat Lumber being the overall lowest bidder at total price of \$9,299.42.

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 Councilwoman Cummings, to approve Council Bill No. 2010' 100, allowing the purchase of construction materials for the bathhouse at the equestrian trail at Mozingo Lake Park. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea; Motion carried.

Said bill was then numbered Ordinance No. 7265 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and identified the agreement as Contract No. 2010-46.

#### **GOLF OUTINGS**

City Manager LeCerf explained that he had met with a representative of one of the groups that hold golf outings on a regular basis at Mozingo Lake Golf Course, who inquired about the rates for the coming year. Mr. LeCerf reminded the Council that three (3) years ago the Council was requested to consider a reduced fee for the two main outings (Tobin Classic and Bearcat Classic) since they perform a full days golf event, having both morning and afternoon shotguns. The Council decided at that time, to allow the discount for the two (2) golf outings, but wanted to ensure the City receives some revenue. It was recommended that the Council extend the outing fees.

Motion was made by Councilwoman Cummings, seconded by Councilman Jonagan that the reduced rate of \$3,000 per shotgun, be extended through the 2011 season for the Tobin Classic and Bearcat Classic. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

#### **COMPREHENSIVE PLAN UPDATE**

City Manager LeCerf stated that on October 15, 2010, bids were opened for development of a new Comprehensive Plan. The City Manager and Human Resource Manager Amy Strough evaluated the firms by a score card method. In the process of the score card evaluation, State Statute 8.285-8.291 RSMo was taken under

consideration. City Manager LeCerf suggested that a selection be made of the top four (4) firms to invite them to make a twenty (20) minute presentation, with ten (10) minutes for questions. He also suggested that a Steering Committee be formed to broaden the support of the project and engagement of the citizens through the process. It was suggested that the steering committee consist of persons from the following groups or organizations: City Council, Planning and Zoning Commission, City Staff (Development side and GIS), Downtown Business Owners, University Representatives (Staff and Student), Southside Business Owner, Various Neighborhood Representation.

Councilman Moss suggested that a representative of the Industries be included as well.

City Manager LeCerf stated that a steering committee should be needed for the first phase, Zoning Issues. He asked the Council Members to think who they might consider appointing to the Steering Committee.

Council Members discussed their preferences after reviewing the RFP's, with RDG Planning and Design, Gould Evans, and Design Workshop as the top three choices.

## **REPORT**

### **I. City Manager**

- The City Council was asked about extending the yard waste burn period since there have been several days of wind during the normal designed period. City Council agreed to extend the yard waste burn period through November 22, 2010.
- The Chamber of Commerce Legislative Coffee is scheduled for Tuesday, November 9, at 7:30 a.m., at the Community Center. State Representative Mike Thomson and Senator Brad Lager will be present.
- Lee Langerock has asked for a City representative for the Enhanced Enterprise Zone (EEZ) Board. City Manager LeCerf will serve as the City's Representative.

### **II. Council**

- Councilman Jonagan reported that a TAC meeting scheduled on November 9, 2010. He also expressed his concern of the trash along Route V.
- Councilwoman Cummings asked about possible trails funds reported a few weeks prior. Mr. LeCerf stated that he plans to meet with Olsson Associates to determine a cost estimate for the proposed extension of trails.
- Councilwoman Cummings inquired about the agreement with the Humane Society. City Manager LeCerf stated that he was waiting on her response to forward it to the Humane Society. It will be forwarded to the Humane Society for their review.  
Councilwoman Cummings reported that the Humane Society is financially in the red.
- Mayor Jackson stated that he and Councilman Jonagan discussed the idea of having a Mayor's Christmas Tree, possibly next year. It was thought to be center around charitable organization.
- The annual Employee Banquet is scheduled to be held Friday, December 10, at 6:30 p.m., at the Community Center.

## **EXECUTIVE SESSION**

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

The Maryville City Council met in closed session to discuss Leasing, Purchase or Sale of Real Estate by a Public Governmental Body Where Public Knowledge of the Transaction Might Adversely Affect the Legal Consideration Therefore, as Authorized by Section 610.021(2) RSMo. Closed Meeting, Closed Record, Closed Vote.

They also discussed Legal Action, Causes of Action or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys, as Authorized by Section 610.021(1) RSMo. Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Moss, seconded by Councilman Jonagan that the Council comes out of executive session. 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.

**ADJOURNMENT**

Motion was made by Councilwoman Cummings, 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.

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Chad Jackson, Mayor

ATTEST:

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Sheila Smail, City Clerk