

**Maryville City Council
Regular Meeting
March 23, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, March 23, 2009, 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, Carole Coutts, Michael Thompson, and Ronnie Moss. Patricia Cummings arrived at 7:05 p.m. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; City Attorney Doug Thomson and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jackson led the pledge to the flag.

INVOCATION

An invocation was not given.

PUBLIC HEARING – Proposed Increase of Water and Sewer Rates

Mayor Jackson opened the public hearing for discussion of the City of Maryville's proposed water and sewer rate increases. Any persons wishing to comment on the proposed increase of the water and sewer rates, were requested to come forward and state their name and address for the record. No persons appeared to be heard. Mayor Jackson closed the public hearing.

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.

Derek Lorence, Phi Delta Theta Fraternity, approached the council requesting permission to hold an Easter Egg hunt on April 5, 2009, from 12:00 – 4:00 p.m., at Beal Park. Maryville Park and Recreation Department had granted permission. Mr. Lorence stated that he has been working to get a copy of the liability insurance certificate to the city clerk. The council approved of the event to be held.

SAFE ROUTES TO SCHOOL GRANT, PURCHASE PORTABLE MESSAGE SIGN

The City Clerk presented a bill, being Bill No. 2009'21 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with All Traffic Solutions, For the Purpose of Purchasing a Portable, Changeable Message Sign, as Part of a Non-infrastructural Safe Routes to School Grant

Dir., Public Safety Keith Wood stated that as a part of a non-infrastructure Safe Routes to School grant, a request was made to purchase a portable, changeable message sign, in the amount of \$20,000.00, with no matching dollars. Bids were received for six (6) to ten (10) foot wide signs from three (3) companies, those being National Sign Corporation, at \$16,950; All Traffic Solutions, at \$18,195; and American Sign Company, at \$18,024. Mr. Wood recommended the bid from All Traffic Solutions, be accepted over the lesser bid received by National Sign Corporation, because it has additional features, making it more versatile. The sign will be used for messaging, speed and traffic control, as well as for data collection.

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 Coutts, that Council Bill No 2009'21 be adopted with the purchase of the portable sign from All Traffic Solutions, at the price of \$18,196.00. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7095 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

OPEN BURNING REGULATIONS

The City Clerk presented a bill, being Bill No. 2009'23 for an Ordinance entitled:

An Ordinance to Repeal Section 230.065: Open Burning Regulations, of Chapter 230: Fire Code, Title II. Public Health, Safety and Welfare, of the Municipal Code of the City of Maryville, Missouri, and to adopt a New Section 230.065: Open Burning Regulations, Pertaining to the Same Subject

City Manager LeCerf highlighted the proposed changes to the Open Burning Regulations. Modifications included the decrease in diameter and height of the pile of leaves to be burned, the time periods designated for burning of leaves, which included April 1 – 13, July 17 – 31, and October 24 – November 6, of each year. These dates are adjustable if the weather interferes. A permit will be required from the Public Safety Department, for special events, if the size of the burn pile exceeds the authorized limits (i.e. bonfires). Also the size of water hose was proposed to be changed from ¾” to 5/8”.

Councilman Thompson asked for clarification on Subsection B. Lawful Open Burning, (4), stated as follows, “Outdoor fireplaces shall not be operated on or within ten feet (10’) of combustible decks and

patios”. He asked if that included outdoor chimneys and fire pits. After much discussion, it was decided that sentence would be deleted from the ordinance.

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 Thompson, seconded by Councilwoman Coutts, that Council Bill No 2009’23 be adopted with the deletion of said sentence noted above. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, nay; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7096 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PURCHASE OF 4WD UTILITY VEHICLE AND 72” ROUGH MOWER FOR MOZINGO

Mayor Chad Jackson stated that Council Bill No. 2009’24, Purchase of a 4WD Utility Vehicle, with lift box, and Council Bill No 2009’25, Purchase of 72”, 4WD, Rough Mower, both for Mozingo Park Maintenance, will be postponed.

SERVICE AGREEMENT, EMPLOYEE SCREENING SERVICES, CDL RANDOM TESTING

The City Clerk presented a bill, being Bill No. 2009’25 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Employer Screening Services, For the Purpose of Performing Random Drug Screen Tests for Commercial Driver’s License (CDL) Holders, Employed With the City of Maryville, Missouri

City Manager LeCerf explained that the city is required by the Missouri Department of Transportation to perform random drug and alcohol screening on employees who hold a Commercial Driver’s License (CDL). Currently the City uses Seglin this purpose. Quotes were received from two (2) other companies for screening. Employee Screening Services (EES) submitted a quote of \$40 for drug and \$20 for alcohol screenings, while Med Direct quoted a price of \$50 for drug and \$20 for alcohol screenings, comparing the current charges from Seglin at \$50 for drug and \$25 for alcohol screenings. ESS is the best quote available.

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 2009'26 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss; yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7097 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

WASTEWATER TREATMENT EXPANSION PROJECT

City Manager LeCerf gave a background of the steps taken thus far on the Wastewater Treatment Expansion project, beginning with the contract agreement with Snyder & Associates in May of 2004, being Contract No. 2004-23. This contract included services related to evaluating the existing wastewater treatment lagoon system, to select the best alternative for expansion of the wastewater facility, preparation of a facility plan, preparation of construction documents and construction observation of the new facility. Three alternatives in regard to the facility plan included an oxidation ditch, a membrane bioreactor, and an upgrade to the existing lagoons. Snyder & Associates recommended that the city go with the oxidation ditch plan.

On January 8, 2007, staff was instructed to have a new contract agreement with Snyder & Associates for design and construction observation, which were not specifically address in the first agreement in terms of cost. This agreement was adopted by Council on March 26, 2007, containing three (3) phases. Phases III and IV required a written notice to proceed prior to incurring expenses. Also included was Phase II, which identified as verification, to explore other alternatives to the oxidation ditch plan, based of the discretion of the City. New costs could not be incurred with Phase II without written authority to proceed.

At that time, the council discussed hiring a second engineering consultant to review the plans and perform the scope of services associated with the verification study in Phase II. HDR, Inc., was selected and completed the verification study in May, 2008. HDR, Inc. recommended additional steps, suggesting further investigation and verification. A delay in progress on the project was partially attributed to the new State permit not being received until February 2009. The verification report from HDR, Inc. estimated construction cost to be \$8,246,000, with an estimated cost of \$195,000 for operation and maintenance cost the first year. These costs were significantly lower than the cost of the oxidation ditch.

City Manager LeCerf recommended to the council to terminate contract with Snyder & Associates adopted March 26, 2007, as well as the associated contract being Contract 2004-23. In order to ensure the best, most complete and most cost effective project, a request for proposals/qualifications,

would be in order to ensure a comprehensive and fair evaluation process. It was estimated that this process could be completed in seventy-five (75) days, allowing City to issue the initial requests, expecting proposals in 30-45 days. Mr. LeCerf stated that this process would not preclude Snyder & Associates or HDR, Inc., from submitting proposals.

REPORTS

I. City Clerk

- City Clerk Smail shared with the council the proposals received for ordering new lapel pins, from companies, both local and away. The council agreed to that Ms. Smail and Councilwoman Cummings could make a decision on the pins after taking a look at the location the pins will originate.

II. City Manager

- City Manager LeCerf stated that the preliminary design for the 16th Street Project was complete. He plans to meet with Olsson Associates later in the week and anticipates the final design to be started soon.
- The Mickelson Drive should be completed by the end of the month.
- The City Manager explained the Community Development Block Grant (CDBG) Demolition Program process. Thirty-six (36) properties, residential and commercial structures, have been designated to be eligible for participation. No utilities have been utilized at these structures for at least one (1) year. Property owners will continue to be responsible for maintaining the property.
- The D.A.R.E. Dinner Auction is scheduled for Saturday, March 28, 2009, at 6:00 pm, at St. Gregory's School Gymnasium.
- A Candidate's Forum for the City Council candidates will be held on Tuesday, March 31, 2009, 7:00 pm, at the Nodaway County Courthouse Courtroom.
- The city will receive a credit rating as part of obtaining general Obligation Bonds. It is anticipated that the city will receive an "A" rating.
- The Transfer Station will resume with regular Saturday hours, beginning March 28, 2009.
- Requests were received regarding allowing other organizations to put messages on the city water bills. It was discussed that it may be setting a precedent.

III Council

- Councilman Moss informed council members and staff that he will be leaving town and plans to return on April 2.
- Councilman Cummings stated that the Humane Society ordinance is being examined by the City Manager.
- The Mayor stated that a Joint Planned Task Force Meeting will be held on Monday, March 30, 2009, at 7:00p.m.

EXECUTIVE SESSIONS

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the Council go into Executive Session. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Discussion was had on three (3) subjects pertaining to 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.

City Council discussed 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.

Thereupon, motion was made by Councilman Thompson, seconded by Councilwoman Coutts to come out of executive session. Upon the roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

ADJOURNMENT

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

ATTESTED:

City Clerk, Sheila Smail

Mayor, Chad Jackson