

**Maryville City Council
Regular Meeting
July 13, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 13, 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, Shawn Wake and Ronnie Moss. Council Member Patricia Cummings arrived at 7:07 p.m. Others present were City Manager Matt LeCerf; Dir., Finance Denise Town; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood, 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.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mayor Jackson asked if there were any amendments to the minutes presented for regularly scheduled City Council meetings held June 8 and 22, 2009.

Motion was made by Councilwoman Coutts, 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. No persons appeared to be heard.

REQUEST FOR SUPPORT OF LEADERSHIP MARYVILLE

Jill Goeckel, representative of Leadership Maryville, approached the Council with a proposed budget for the 2009-2010 Leadership Maryville Class, to use as a comparison, she also noted last year's budget. Leadership Maryville requested \$700.00 as support of the 2009-2010 Leadership Maryville Program, Class #24.

Thereupon, motion was made by Councilwoman Coutts, seconded by Cummings, that the City of Maryville support the 2009-2010 Leadership Maryville program at the rate of \$700.00. 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.

TREASURER'S REPORT

During the month of June 2009, a reimbursement of \$24,070.00 was received for the Maryville Housing Authority asphalt overly project as well as lease proceeds from Nodaway Valley Bank for golf cart trails at \$700,000.00.

Non-reoccurring payments for the month of June 2009 included, Loch Sand - golf cart trails pay estimate #2 (\$151,820.450, Murphy Tractor & Equipment - street roller (\$41,000.00), Gilmore and Bell - legal fees (\$22,500.00),

Mirma – annual premium (\$333,918.00). Loch Sand and Construction - airport pay request #10 (\$87,020.46) and Loch Sand and Construction for Mazingo - trails pay request #2 (\$17,317.81).

Motion was made by Councilwoman Cummings, seconded by Councilman Moss 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; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilwoman Coutts seconded by Councilwoman Cummings, 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; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Motion was made by Councilwoman Coutts seconded by Councilman Wake, 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; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

REQUEST OF CITY SEWER CONNECTION TO 25797 247th STREET

The request made during the June 22, 2009 City Council meeting made by Melissa and Dallas Mullock, residential property owners of 25797 247th Street, to be allowed to be connected to the City of Maryville sewer system was reviewed. During conversations at that time, questions were left unanswered.

Policies for allowing connection to city sewer by non-residents included annexation, infrastructure obligations and a disconnection of service for non-payment. The precedence being set was also discussed.

Discussion was had about requiring the property owner to prove an existing hardship, regardless of whether the property is inside the City limits or not. Additionally, infrastructure, from the sewer main, was suggested to be the responsibility of the property owner. The City would receive no benefit as a result of taking ownership of a number of small service lines, which could add to the overall maintenance responsibility of the Water/Sewer Maintenance Department.

The Council considered what the annexation policy should be. By requiring annexation, the City may be put in a situation that may cause the City to be responsible for upgrades and improvement of substandard infrastructure. An agreement was recommended to indemnify the City of making necessary improvements to infrastructure unless the property owner supports an option to create a Neighborhood Improvement Program. On the other hand, connection to City sewer without annexation would create no direct benefit for residing inside the city limits of Maryville.

Should it be determined to not require annexation or delay annexation until contiguous to the City, an additional fee be collected, to make a distinction of the benefit to reside inside the City limits. Such benefit may be a fifty (50) to one hundred percent (100%) increase of the rate of residents inside the City limits.

City staff was asked to bring back to the Council recommendations to the July 27, 2009 Council Meeting.

PROPOSED PLAN AND ESTIMATED COST OF NORTH DEWEY STREET/INTERLUDE ROAD

City staff reported that upon calculating the cost for City street crews to purchase and apply an asphalt overlay to North Dewey Street/Interlude Road, with a two inch (2”) overlay, purchasing 510 tons of asphalt, at approximately \$56.00 per ton, at a total cost of approximately \$28,560.00. The asphalt would be picked up in St. Joseph, Missouri, which would add fuel costs of around two thousand, five hundred, fifty dollars (\$2,550.00) and the rental of an asphalt laying machine at an additional three thousand dollars (\$3,000.00), thus bringing the estimated total for asphaltting North Dewey Street to \$34, 110.00, without labor costs. It was suggested that Keller Construction could most likely do the job for \$35,200.00.

AGREEMENT WITH NODAWAY VALLEY BANK TO PROVIDE BANKING SERVICES FOR CITY

The City Clerk presented a bill, being Bill No. 2009'58 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract With Nodaway Valley Bank, for Banking and Investment Services and to Function and Serve as the Depository of the Funds of the City of Maryville, Missouri

At the June 22, 2009 Council meeting banking bids were opened as required by State Statute in order to enter into a two (2) year contract with a qualifying local bank. Citizens Bank and Trust, Nodaway Valley Bank and US Bank were the three (3) banks bids were received from. The Request for Proposals (RFP's) were more detailed than historical requests, due to failure of a large number of banking institutions in the United States, the desire to have specialized services for the City and to insure the City insures the best service possible related to the overall service and satisfaction. Based on the reviews performed by City Manager LeCerf and Finance Director Town of the proposals submitted, it was recommended that a two (2) year contractual banking agreement be entered into with Nodaway Valley Bank.

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 Ross, that Council Bill No 2009'58 be adopted. Upon 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.

Said bill was then numbered Ordinance No. 7126 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was numbered 2009-28.

AGREEMENT WITH OLSSON ASSOCIATES, ENGINEERING, ARRA-ES01(002) TRAILS PROJECT

The City Clerk presented a bill, being Bill No. 2009'59 for Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Olsson Associates for the Purpose of Engineering Services for the Maryville Trails Project, Phase A-II, (St. Gregory's School), American Recovery and Investment Act (ARRA), Maryville Missouri

In early June, as required by the Missouri Department of Transportation, the City advertised for Request for Qualifications (RFQ) for engineering services for the Maryville Trails project, Phase A-II, (St. Gregory's School) ARRA Enhancement Agreement, Project #ARRA-ES01(002). The proposal was reviewed by City Manager LeCerf and Dir., Public Works Decker, with a recommendation to the Council of award of the engineering services to Olsson Associates.

City Manager LeCerf requested costs of services for the project from Olsson Associates, prior to the meeting. The proposed cost for this project was \$49,582.00.

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 Councilwoman Coutts, that Council Bill No

2009'59 be approved. 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. 7127 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract number was Contract No. 2009-29.

AGREEMENT WITH OLSSON ASSOCIATES, ENGINEERING, SRTS-INF-H281(104) TRAILS PROJECT

The City Clerk presented a bill, being Bill No. 2009'60 for Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Olsson Associates for the Purpose of Engineering Services for the Eugene Field Elementary School, Safe Routes to School (SRTS) Sidewalk/Trails Project
Maryville Missouri**

In early June, as required by the Missouri Department of Transportation, the City advertised for Request for Qualifications (RFQ) for engineering services for the Eugene Field Elementary School, Safe Routes To School (SRTS) Project, #SRTS-INF-H281(104). The proposal was reviewed by City Manager LeCerf and Dir., Public Works Decker, with a recommendation to the Council of award of the engineering services to Olsson Associates.

City Manager LeCerf requested costs of services for the project from Olsson Associates, prior to the meeting. The proposed costs of this project was \$49,100.00

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 Wake, that Council Bill No 2009'60 be approved. 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. 7128 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was numbered Contract No. 2009-30.

AMENDMENT OF EMPLOYEE HANDBOOK/PERSONNEL MANUAL – ADA POLICY

The City Clerk presented a bill, being Bill No. 2009'61 for an Ordinance entitled:

An Ordinance to Amend Ordinance No. 7058, Adoption of an Employee Handbook/Personnel Manual, to include Section 8.10: American with Disability Act (ADA) of 2008

The City of Maryville Employee Handbook/Personnel Manual had no coverage of the Americans with Disability Act (ADA). It was suggested that Section 8.10: Americans with Disability Act (ADA) of 2008 be added.

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 2009'61 be adopted. Upon 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.

Said bill was then numbered Ordinance No. 7129 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AGREEMENT WITH MCGLADREY & PULLON, CPA, TO PERFORM AN AUDOT OF CITY

The City Clerk presented a bill, being Bill No. 2009'62, for an Ordinance entitled:

An Ordinance to Authorize the Execution of an Agreement With McGladrey & Pullen, Certified Public Accountants, to Conduct an Audit of the City of Maryville, Missouri, for Fiscal Year Beginning October 1, 2008, and Ending September 30, 2009, and Providing for an Effective Date Thereof

A recommendation was made to the City Council to execute s contract with McGladrey and Pullen, Certified Public Accountants, to conduct an audit on the City of Maryville.

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 Coutts, that Council Bill No 2009'62 be adopted. 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. 7130 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was numbered 2009-31.

PURCHASE OF PICKUP FOR WATER METER READER

The City Clerk presented a bill, being Bill No. 2009'63, for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Tri-State Ford, for the Purpose of Purchasing a 2007 Ford Ranger Pickup Truck, for Use by the Water Meter Reader.

In the Water/Wastewater Administration budget, sixteen thousand dollars (\$16,000.00) was reserved to replace the vehicle, in poor condition, used by the meter reader. A 2007 Ford Ranger, 4 x 4, with 39,000 miles, from Tri-State Ford, has been located and recommended as the replacement. The 2007 Ford Ranger is can be purchased for fifteen thousand dollars (\$15,000.00).

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 Coutts, that Council Bill No 2009'62 be adopted. 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. 7131 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was numbered 2009-31.

RESERVATIONS AT MOZINGO LAKE PARK

Mayor Jackson reported that he had received inquiries about why the City of Maryville does not allow reservations for at least a portion of the pads for recreational vehicles (RV's). Discussion occurred of the process, benefits and drawbacks of reserving RV campsites. Staff was asked to collect information from other RV parks on their reservation practices.

WASTEWATER FACILITY –REPORT OF COLORADO TRIP

July 1, 2009, Councilman Wake, City Manager Matt LeCerf, Dir., Public Works Greg Decker, along with two (2) representatives of People Services, Inc., traveled to Denver, Colorado to view three wastewater treatment facilities. They were accompanied by Jared Findley of Universal Asset Management and two (2) representatives of Krugar Company. Two (2) of the three (3) facilities used the Moving Bed Biofilm Reactor (MBBR) treatment process, using the Krugar manufacturing equipment. One of the plants had a new MBBR unit under construction.

Johnstown facility used the MBBR after the effluent passed through their lagoons. By using this treatment method they are able to obtain an ammonia removal limit similar to what the City of Maryville will be asked to meet during the summer months. Johnstown's design flow was 750,000 gallons per day. The City of Maryville will require at least three (3) million gallons per day, and to reach the city's needs it is as simple as increasing the size of the tank holding the reactor, as well as the membrane reactor. They also visited Bloomfield, Colorado, where they have an eight (8) million gallon per day MBBR. There was also a construction of a new MBBR unit, upping their capacity to twelve (12) million gallon per day.

During their visit, effluent temperature was a huge point of discussion and how it impacts the removal of the ammonia at cold temperatures. Krugar representatives assured the City that they would guarantee the process to work, based on the design criteria that would be developed by the City's contracted engineer. City staff left confident that the current permit limits of ammonia removal would be obtainable using the MBBR treatment method. They also felt that all other requirements of our Missouri State Operating permit would be met. The MBBR will use the grounds temperature to hold the effluent temperature up to allow for treatment. With the proposed MBBR unit the majority of the tank will be underground and would be adaptable for future treatment modifications.

An ultra-violate (UV) disinfection process, was used by all three facilities and appeared to be easy for the City to install and use. The UV uses ultra-violet radiation to neutralize pathogens without adding chemicals. By installing UV, the purchase of chlorine to disinfect the effluent and then remove it, would result in a cost savings.

Staff felt the MBBR process was a very viable option for the City of Maryville for obtaining the new wastewater treatment requirements. City staff recommended that City negotiate and enter into a contract with Mr. Gary Lee, Universal Asset Management, for engineering services of a Moving Bed Biofilm Reactor (MBBR) for the upgrade of the Maryville wastewater facility plant. He added that the contract should include guarantees that the project will meet our current permit limits as long as those limits are in place and that the cost of the upgrade, including engineering fees, would not be over seven (7) million dollars, as Mr. Lee had indicated during his presentation to the council. Universal Asset Management will also include completing the anti-degradation requirements with the State of Missouri for the City's treatment process. Council agreed to allow Staff to move forward on negotiations and drafting a contract with Universal Asset Management.

REPORTS

I. City Clerk

- Maryville Elks applied for a liquor catering permit to host a "Beer Garden" during the Nodaway County Fair, behind the Student Body. The event will be held on the private property of the Student Body, with the area fenced. The Elks have provided a copy of their insurance for the event.
- A representative of the U.S. Census will be visiting on July 28, 2009 at 10:00 am to discuss in more detail the Complete Count Committee and its purpose. All members were invited to attend.

II. City Manager

- A Notice to Proceed will be issued within the next week or 2 for the Safe Routes to School, Maryville Middle School Project.
- Mozingo Trail project is moving along, with seeding and mulching estimated to be done in September.

- Mazingo Golf Cart Paths, Change Order for ADA compliance at \$7,500.00. The Back 9 is expected to be completed the first half of August.
- The City may be submitting a CDBG application for the Downtown Streetscape Committee to enable completion of the project.
- The Capital Improvement Project in the White Ridge Subdivision is complete.
- South Main Street is pretty well complete. The pole that was reported needing moved to construct an ADA compliant approach, still needs moved.
- There have been recent concerns about parking along Main Street, from 2nd Street south. Parking may be eliminated on both sides.
- More CIP planning is being done, with sirens and 16th Street in mind.
- A list of projects planned by the City will be forwarded to elected officials at State and Federal Government.
- The Water Partnership Group have eight (8) or nine (9) groups that have agreed to participate.
- City Manager will be out of the office July 21-24, 2009.
- The DREAM project drawings should be ready in two (2) weeks.
- The Trails Committee has organized a non-profit organization. A grant is available for non-structural funds, that would be used for educational purposes.

III. City Council

- The Humane Society Advisory group will meet on July 28, 2009.
- Nodaway County Economic Development have flower baskets in the uptown area being pulled and hung on to the point of breaking been experiencing difficulty with individuals hanging on them

EXECUTIVE SESSION

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: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss 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 Patricia Cummings, seconded by Councilman Moss, that the Council come out of executive session. 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.

ADJOURNMENT

Motion was made by Councilwoman Coutts, seconded by Councilman Wake that the meeting be adjourned. Upon the 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.

Chad Jackson, Mayor

ATTESTED:

Sheila Smail, City Clerk