

**Maryville City Council
Regular Meeting
August 10, 2009
7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 10, 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, Patricia Cummings, Shawn Wake and Ronnie Moss. 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 given by Tate Walker, Youth Minister, Laura Street Baptist Church.

APPROVAL OF AGENDA

Mayor Jackson requested if there were any changes needed to the agenda, they be noted at this time. Motion was made by Councilwoman Cummings, seconded by Councilman Wake, 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; Councilwoman Coutts, 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 July 13 and 27, 2009.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, 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 STREET CLOSURE /WATERFIGHT EVENT – LAURA STREET BAPTIST CHURCH

Tate Walker, Youth Minister, Laura Street Baptist Church, approached the council with a request to hold the Annual Water fight Event for the youth of their church, on Friday, August 14, 2009, from, 4:30 – 8:30 p.m. It was requested that they be allowed to close South Mattie Street from East First Street to East Thompson Street, a less busy street than South Laura Street, where they have held it in the past. .

Thereupon, motion was made by Councilwoman Cummings, seconded by Councilman Wake to permit Laura Street Baptist Church, to hold their annual water fight event held on Friday, August 14, 2009, from 4:30 – 8:30 p.m., on South Mattie between East First Street and East Thompson Street. Laura Street Baptist Church will be responsible in paying for the water used. A portable meter will be installed to measure water usage. 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 July 2009, a reimbursement of \$15,041.33 was received from State Emergency Management Agency (SEMA) for the Ice Storm and the second quarter Embarq 911 tax distribution in the amount of

\$33,317.30.

Non-reoccurring payments for the month of July 2009 included, Loch Sand - golf cart trails pay estimate #3 (\$135,334.41), and another for the remaining balance for the Main Street, pay request #8, (\$48,807.73). Loch Sand also submitted pay request #3 for Mozingo trails, (\$17,384.03); Keller Construction - Maryville Housing Authority milling and asphalt project (\$24,070.00); Olsson Associates – for engineering services for various projects, (\$32,560.99); Tri-State Ford – meter reader pickup, (\$15,000).

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 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; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

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.

MEMORANDUM OF AGREEMENT FOR MOZINGO HOUSE ACTIVITY USE

The City Clerk presented a bill, being Bill No. 2009’57 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Agreement with Northwest Missouri State University (NWMSU), related to Activities Planned at the Mozingo Lake House, at 32153 US Highway 136, Maryville

Northwest Missouri State University ‘s (NWMSU) Health, Physical Education, Recreation and Dance (HPERD), and the City of Maryville considered entering into an agreement to allow NWMSU to use the Mozingo house located at 32153 US Highway 136, as a Visitor’s Center. NWMSU shall be the primary operator of the facility. Several possible benefits were noted for the city, in signing. Insurance requirements, use requirements, and a clause that enables either party to terminate the agreement within thirty (30) days of written notice, were noted in the agreement.

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 2009’57 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. 7133 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was noted as being Contract No. 2009-34

PROPOSED STREET QUALIFYING FOR OVERLAY

Staff provided the City Council a map and list of streets to consider as qualifying streets for asphalt overlay, but do not qualify for a complete rebuild with concrete curbing. Calculations for overlay, was presented at approximately \$22 per linear foot. North Dewey Street/Interlude Road would qualify as an overlay road. Polk

Township will be contacted to participate in the resurfacing of North Dewey Street. Staff suggested Maryvue Drive, West Halsey Street and North Grand Avenue, be considered for milling and overlay. Milling would be an additional cost. The item was postponed until the next meeting, allowing staff t time to calculate the amount of cost for the most highly recommended streets for the project and the amount of funds remaining for the current fiscal year.

AN AGREEMENT OF SETTLEMENT WITH AT&T/SBC LANDLINE

The City Clerk presented a bill, being Bill No. 2009'69 for an Ordinance entitled:

An Ordinance Approving a Settlement Agreement with AT&T /SBC Landline

A Settlement agreement with AT&T/SBC was presented for consideration by the Council, related to a class action law suit, for back payment of franchise taxes, with settlement payment of \$653.59.

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 2009'69 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. 7134 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ORDINANCE PERTAINING TO NEW OSHA REQUIREMENTS

The City Clerk presented a bill, being Bill No. 2009'70 for Ordinance entitled:

An Ordinance to Adopt Section 150.230: Safety Training Requirements, Chapter 150: Procurement Policy, Title I. Government Code, of the Municipal Code of the City of Maryville, Missouri

An ordinance was presented to modify the procurement policy to include the new requirements set forth by the State of Missouri, requiring ten (10) hours of Occupational Safety and Health Administration (OSHA) training for all contractors and their employees on site, hired by the City of Maryville, to perform a public works related work.

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 2009'70 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. 7135 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

SANITARY SEWER REPAIR, EAST EDWARDS AND SOUTH MATTIE STREET

The City Clerk presented a bill, being Bill No. 2009'71 for an Ordinance entitled:

An Ordinance Authorizing The Mayor of the City of Maryville, Missouri, to Execute a Contract with SAK Construction, LLC, for the purpose of Installing a Liner, in a Ten Inch Sanitary Sewer Line, Located at East Edwards and South Mattie Streets, Maryville, Missouri

Staff made a request to the Council to perform trenchless repairs to the sanitary sewer line at East Edwards Street and South Mattie Street, by installing approximately 505 linear feet of ten inch (10”) plastic liner in the sanitary sewer at this location. Proposals were received by Insituform in the amount of \$18,180.00, and SAK Construction, for \$17,072.75. Thirty-thousand dollars (\$30,000.00) was budgeted to cover the costs. It was recommended that SAK be awarded the bid.

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, that Council Bill No 2009’71 be adopted, with SAK Construction being awarded the contract. 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. 7136 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was noted as being Contract No. 2009-35

CONTRACT WITH ACE PIPE CLEANING COMPANY, TO RECOAT TWO BRICK MANHOLES

The City Clerk presented a bill, being Bill No. 2009’72 for an Ordinance entitled:

An Ordinance to Authorizing the Mayor oaf the City of Maryville, Missouri, to Execute a Contract with ACE Pipe Cleaning Company, for the Purpose of Recoating the Inside of Two (2) Brick Manholes at East Edwards and South Mattie Street

A request was made by staff to authorize the recoating of the inside of two (2) brick manholes at East Edwards and South Mattie Street. A bid was received by Ace Pipe Cleaning Company, at the cost of \$3,850.00.

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 Coutts seconded by Councilwoman Cummings, that Council Bill No 2009’72 be adopted, awarding the contract to ACE Pipe Cleaning Company. 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. 7137 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was noted as Contract No. 2009-36.

REPAIRS TO AERIAL LADDER FIRE TRUCK, UNIT 2

The City Clerk presented a bill, being Bill No. 2009’73 for an Ordinance entitled:

An Ordinance to Authorizing the Mayor oaf the City of Maryville, Missouri, to Execute a Contract with Suphen Corporation, for the Purpose of Making Necessary Repairs to the Aerial Ladder Fire Truck , Unit Two, of the Maryville Public Safety Department, Maryville, Missouri

Following an accident with the aerial ladder fire truck, Unit 2, the Public Safety Department sent the fire truck to Suphen Corporation in Springfield, Ohio, for repairs. As a result of the accident, the

extend/retract controller was replaced for \$ 756.00 and the water way rebuilt and retested, with a seal kit included for a cost of \$7,900. Two (2) additional items were noted by Public Safety as repairs needed, being the replacement of the water tank gauge at \$889.50 and replacement of aerial alignment light at \$438.00, totaling \$1,337.50. The total cost for repairs of the fire truck was \$9,993.50.

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, that Council Bill No 2009'73 be approved. 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. 7138 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Contract was noted as Contract No. 2009-37.

DISCLOSE POTENTIAL CONFLICT OF INTEREST AND SUBSTANTIAL INTEREST OF OFFICIALS

The City Clerk presented a bill, being Bill No. 2009'74 for an Ordinance entitled:

An Ordinance of the City of Maryville, Missouri, to Establish a Procedure to Disclose Potential Conflict of Interest and Substantial Interest for Certain Municipal Officials

Missouri State Statutes requires the City to revisit and renew their Conflict of Interest ordinance every two years because the City's regulations vary from requiring all elected officials, candidate for elective office, the chief administrative officer, and the chief purchasing officer from filing each year.

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 2009'74 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. 7139 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPORTS

I. City Clerk

- Discussion for the need for a taxicab or transportation for hire ordinance as a proactive step in protecting the public who use these services. Information will be brought to the council regarding contents of ordinances from other cities near the size of Maryville.

II. City Manager

- People Service contract amount has been decreased by 1.4%, because of the negative CPI. The base amount for chemicals has been deducted \$2,000, monthly compensation less \$600, annual maintenance and repair is a deduction of \$300. It will be acknowledged and submitted to Alan Myers, President of People Services.

- The Cart Path project was originally approved at \$720,000.00. It is projected that the project will come in slightly above \$700,000. An additional \$22,000.00, was requested to pour a 6" concrete path from Hole # 2, to the maintenance shed, then down to Hole #5. This would eliminate the gravel washing down on to the cart path.
- The Missouri Department of Conservation reviewed the ordinance passed by the City Council on ice fishing and hunting. The Department of Conservation has several points noted that they do not agree with. City Manager LeCerf suggested that the City checks with Missouri Intergovernmental Risk Management Association (MIRMA) to learn the liability the city would retain if the Department of Conservation were given the authority to regulate the ice fishing at Mozingo Lake.
- A Fly-in/Open House is scheduled for September 20, 2009, 8:00 am until 12:00 noon, at the Northwest Missouri Regional Airport to welcome the public to come see the new runway and terminal building. It was requested that the City pay the liability insurance for the event, at \$622.00. It was agreed to pay the liability insurance premium.
- An estimated \$80,000 of concrete remains to be laid on the golf cart path project at Mozingo
- An estimated \$160,000 grant was received to network the City, County and Campus Safety Law Enforcement agencies and provide computers for vehicles.
- There is no news yet on the Storm Siren grant applied for.

EXECUTIVE SESSION

Motion was made by Councilwoman Cummings, seconded by Councilman Wake that the Council go into executive session. 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.

Two (2) issues were discussed regarding 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 comes out of executive session. 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.

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: 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