

**Maryville City Council Meeting
Special Session
February 9, 2011
5:00 p.m.**

The Council of the City of Maryville, Missouri, met in Special Session on Wednesday, February 9, 2011, at City Hall, 415 North Market Street, in said City at 5:00 p.m. This meeting was called in lieu of the regularly scheduled meeting for February 14, 2011, 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, and Patricia Cummings. Council Members Ronnie Moss and Glenn Jonagan were absent. Others present were City Manager Matt LeCerf, City Attorney Doug Thomson, Dir., Finance Denise Town, Dir., Public Works C.E. Goodall, and City Clerk Sheila Smail.

APPROVAL OF AGENDA

Mayor Jackson asked if there were any changes needed to the agenda, they be noted at this time. A 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 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 January 10 and 24, 2011 and the City Council/Staff Retreats held January 18 and 25, 2011.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the minutes be approved, as presented. Upon roll being called, the vote was as follows, 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.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the city received funds from Nodaway County for property tax distribution for the General, Park and Recreation and Debt Retirement funds (\$646,492.99); reimbursement of CDBG Project of 16th Street for Loch Sand and Construction, for ½ cost, pay request #3(\$103,915.45); the 4th Quarter 911 tax distribution (\$31,581.25); T-Mobile settlement (\$37,886.93).

Non-reoccurring bills to be paid were to McGladrey & Pullen for audit progress billing (\$10,000.00); Clark Equipment for Bobcat Track loader for Mazingo Park (\$39,458.00); Mid America Pump for vertical

turbine repair on intake pump (\$25,318.00); Olsson Associates for 16th Street and Airport Fuel System Project (\$12,232.10); and Loch Sand and Construction for pay request #3, for 16th Street project (\$207,830.91).

During February the City also plans to pay ITI, for Public Safety software annual maintenance (\$15,830.25). The following will be paid from water tower bond proceeds: Olssen Associates for engineering of water tower projects (\$4,338.44); UMB Bank for acceptance fee as trustee (\$1,100.00); and CB&I for pay application #4 for water towers (\$297,666.00)

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

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Wake seconded by Councilwoman Cummings, that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

APPROVE NEW CONTRACT W/LOCH SAND, PHASE II, DOWNTOWN REVITALIZATION

The City Clerk presented a bill, being Bill No. 2011'11 for an Ordinance entitled:

An Ordinance to Repeal Ordinance No. 7284, Pertaining to the Execution of a Contract with Heartland Contractors, Inc., for the Purpose of Constructing Phase II, of the Downtown Revitalization Project, and to Adopt a New Ordinance Executing a Contract with Loch Sand and Construction Company, Inc., Pertaining to the Same Subject, Maryville, Missouri

On December 27, 2010, the City Council approved a contract with Heartland Contractors, Inc., for the construction of Phase II, of the Downtown Revitalization project, for the amount of \$190,502.00. Both MODot and CDBG had given approval of this award. Heartland Contractors failed to provide the required documents in the time frame indicated as part of the bid specification requirements. Consequently, on January 18, 2011, they were declared in default and a request was made for their bid bond as penalty for failure to meet the requirements of the bid and contract.

At this point, the City inquired with the second low bidder, Loch Sand and Construction Company, Inc., to verify that they would honor their bid submitted. Otherwise they would consider a rebid of Phase II of the project. Loch Sand and Construction Company, Inc., agreed to honor their original bid, of \$242,548.85. An ordinance was presented to enter into a contract with Loch Sand and Construction Company, for the construction of Phase II.

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 Councilwoman Cummings, to approve Council Bill No 2011'11, as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7300 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the contract was numbered Contract NO. 2011-05

LOT SPLIT REQUEST FOR 1007 NORTH DEWEY, OWNED BY WEISSE AND MURRELL

The City Clerk presented a bill, being Bill No. 2011'12 for a resolution entitled:

A Resolution authorizing a Lot Split of Property owned by Dean and Debbie Weiss, and Bill and Dena Murrell, Located at 1007 North Dewey Street, of the City of Maryville, Nodaway County, Missouri.

A resolution was presented to the City Council, requesting a lot split on property located at 1007 North Dewey Street. It was proposed that the small house be torn down, while the other house is to be remodeled. This lot split request did not meet code requirements of the lot abutting street frontage, covered in Ordinance 410.180 and 405.240.4(l.).

Hard surfacing the existing driveway was discussed and questions arose regarding the accessibility of emergency vehicles, such as a fire truck, on the current drive.

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 Councilwoman Cummings, to approve the proposed lot split (for discussion purposes only).

After discussion of the concerns associated with the requested lot split, motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the issue be tabled until the February 28, 2011 regularly scheduled City Council meeting to gather more information regarding the ability to provide access wide enough for emergency vehicles to enter onto the property. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

REPORT

I. City Manager

- An Employee Recognition Breakfast will be served Friday, February 18, 2011, from 7:00 a.m. until 9:00 a.m. for all employees.

II. Council

- A packet of information was provided for the Council Members regarding the operations and financial status of the New Nodaway Humane Society.

ADJOURNMENT

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

Chad Jackson, Mayor

ATTEST:

Sheila Smail, City Clerk