

Maryville City Council
Regularly Scheduled Meeting
May 09, 2011
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, May 09, 2011, 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 Moss and roll was called by the City Clerk, with the following present to-wit: Mayor Ronnie Moss, Council Members Glenn Jonagan, James Fall, Chad Jackson, and Shawn Wake. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson Dir., Finance Denise Town; and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Moss led the pledge to the flag.

INVOCATION

Mayor Moss gave the invocation.

APPROVAL OF AGENDA

Mayor Moss asked if there were any changes needed to the agenda, they be noted at this time. A motion was made by Councilman Wake, seconded by Councilman Fall, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Moss requested any changes needed to the minutes of Council Meetings held April 11 and 25, 2011, and minutes for the meeting with RDG regarding zoning issues; as well as minutes for nine (9) executive sessions be noted at this time.

Councilman Jackson stated that the minutes for April 11, 2011, regarding the resolution to appoint a student liaison, from Northwest Missouri State University (NWMSU) to the City Council, was intended to require the appointed to attend all City Council Meeting including the those during the summer months of May, June, July and August, and to request an alternate to attend in his/her absence and that the appointed contact the Mayor or Mayor's representative at least once a month.

Motion was made by Councilman Jackson, seconded by Councilman Wake that the ordinance reads and that the minutes be amended to reflect as follows:

Section Five.

- e.* a student whose schedule will permit the appointee to attend every meeting of the City Council, including the summer months of May, June, July and August, or at minimum during summer months, appointee or an alternate, shall attend no less than one meeting and make contact the Mayor or the Mayor's representative once a month;

Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried.

Motion was then made by Councilman Wake, seconded by Councilman Jonagan, to approve the minutes as amended. Upon roll being made, the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

CITIZENS TO BE HEARD

Mayor Moss 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.

LIQUOR LICENSE APPROVAL FOR SHABBY INC./FINISH LINE MARYVILLE

In the absents of the Dir., Public Safety Keith Wood, City Manager Matt LeCerf explained that the convenience store, located at 620 North Main Street, is changing owners of the business. Shazia Sharif, the new owner of Finish Line Maryville, has requested an Original Package Liquor License and a Sunday Original Package

Liquor License for the remainder of the 2010-2011 Liquor License period, which is through the month of June 2011.

Upon the completion of the Criminal Background Check by fingerprints and the submission of necessary paperwork by the applicant, Staff recommended to the City Council to approve the request.

Motion was made by Mayor Moss, seconded by Councilman Jonagan, that the request for Original Package and Sunday Original Package Liquor License be approved. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

CHAMBER COUNTRY CLASSIC/MARATHON-JUNE 11, 2011

A request was made by the Greater Maryville Chamber of Commerce to hold the Ninth Annual Maryville Marathon/Chamber Country Classic, upon city streets, on June 11, 2011, beginning at 6:30 a.m., at Donaldson Westside Park. A Certificate of Insurance, the signed Hold Harmless Agreement, and maps depicting the routes for the event, were submitted as required. Staff recommended that the City Council approve the request.

Motion was made by Councilman Wake, seconded by Councilman Fall, to approve the request to hold the Ninth Annual Maryville Marathon/Chamber Country Classic as noted above. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the city received funds, in April, from the Missouri Department of Transportation (MODOT) for Reimbursement Request No. 19, for additional engineering at the Northwest Missouri Regional Airport Project (\$11,013.00), and for Reimbursement Request No. 1 for the airport fuel system (\$21,005.00).

Non-reoccurring bills to be paid to Loch Sand And Construction Company, Inc., for the Streetscape Project, Ph. II, pay estimate No. 1 (\$22,783.75) and for the West 16th Street Project, pay estimate No. 4, which is one-half of the cost (\$62,617.81). Commercial Turf and Tractor was also paid for the purchase of a used 1540 tractor for use by Mozingo Golf (\$12,000.00).

Motion was made by Councilman Jonagan, 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; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

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

MOZINGO FEASIBILITY STUDY - REQUESTS FOR PROPOSAL

Ed Higdon, Chairman, Mozingo Advisory Board, explained to the Council that the Board has dedicated many hours reviewing and ranking the qualifications of firms who responded to the request for proposal for a Feasibility Study for development of a lodge and conference center located at Mozingo Lake Park. The Mozingo Advisory Board narrowed down the list of twelve (12) submittees to the top six (6) choices which included C.H. Johnson Consulting, Inc.; IDM Group, LLC; Market & Feasibility Advisors; PKF Consulting, USA; Conventions, Sports & Leisure (CS & L); REVPAR International.

Councilman Fall inquired about the next steps the Board should take and explained that the Board is willing to make contact references given by some of the top selected firms. While members of the City Council review the top six (6) RFP's submitted, the Board and City Manager LeCerf will meet to check references of the top few recommended firms. The City Council discussed the possibility of inviting selected firms to present to the Council and Board.

RECOMMENDED STUDENT LIAISON TO THE CITY COUNCIL – COLLIN DEBUYSERE

A recommendation from Dr. Matt Baker, Dean of Students, Northwest Missouri State University

(NWMSU) was received to appoint Collin DeBuysere as the Student Liaison to the Maryville City Council. Mr. DeBuysere is a Senior, majoring in Management and Marketing. A resume' was received highlighting his qualifications for the position.

Motion was made by Councilman Jackson, seconded by Councilman Wake, that Collin DeBuysere as the Student Liaison to the Maryville City Council. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

An agreement with Mr. DeBuysere will be presented to the Council for consideration at the May 23, 2011, City Council Meeting.

EVENT DISCUSSION

During the City Council/Staff retreat and a Council meeting, there was discussion and inquiry about the kind of new events the City could initiate to draw in more visitors to Maryville. City Manager LeCerf and Mayor Moss met with Maryville Citizens for Community Action, to obtain ideas on types of events that might achieve this goal. The University Community Collaborative also shared suggestions on event that may prove to draw more visitors. The following is a list of ideas suggested:

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|---------------------------------|---|
| Historical Demonstrations | Music/Art Festival |
| Home Show/Tour(s) | Art/Wine Festival |
| Octoberfest | Event at Amphitheater |
| Celebration of Youth | Corporate Sponsor (critical for large events) |
| Dog Jumping Show (Mozingo Lake) | Assessment of Existing Events (enhancements) |
| Nature's Art Show | BBQ Cooking Contest |
- Create a corporate challenge incorporating sporting and water events

Hosting a Soccer Tournament was recommended to be added to the list. The estimated cost of hosting a Soccer Tournament was thought to be minimal. Dale and Betty Reuter have offered to speak with the Council about the process of setting up a Soccer Tournament. Dale and Betty will be invited to attend the May 23, 2011 City Council meeting to discuss the possibility of scheduling a Soccer Tournament event in Maryville.

Various items on the list were discussed. It was suggested that instead of a BBQ Cooking Contest, that it should be broadened to a "Taste of Maryville" contest to encourage more participation. A cooking contest was also suggested to be an addition to another event, such as the Nodaway County Fair. A competitive event was thought to be more successful than the sale of products. The next Nodaway County Fair Board meeting will be attended to gage the Boards interest in adding another event to the schedule. Plans are being made for a celebration to be held in August, for the completion of the Downtown Revitalization Project and the unveiling of the art being displayed on the nodes on the north, south and west sides of the downtown square and it was suggested that an additional event be considered at that time.

There are several large parking lots near the downtown area that may be useful for holding events. It will take a group of volunteers, other than City staff and officials, to make the events possible.

PUBLIC ART ON THE SQUARE

A collage of pictures, of the proposed artwork to be displayed on the nodes around the courthouse square was provided to the City Council Members. There will not be art placed on the node on the east side of the square at this time. It will be the artist's responsibility to insure the art piece will match up to the bolt pattern on the nodes to secure the art piece.

After approval of the following change order, a motion was made by Councilman Wake, seconded by Councilman Jonagan that the art proposed to be placed at the node in the downtown area, be approved as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

CHANGE ORDER NO. 1, DOWNTOWN REVITALIZATION CONTRACT WITH AMINO BROTHERS

The City Clerk presented a bill, being Bill No. 2011'38 for an Ordinance entitled:

An Ordinance approving Change Order No. 1, of the Contract with Amino Brothers Company, Inc., for Phase III, Downtown Revitalization Project, Maryville, Missouri

A change order request was presented to the City Council for additional funds of \$23,199.02, to include flush mounted lighting on the nodes, to shine on the artwork being displayed, on the outer boundaries of the north, south, and west sides of the downtown square. Overall the proposed change order will be approximately \$6,900.00 over budget.

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 Fall, to approve Council Bill No. 2011'38, to approve Change Order No. 1, of the Contract with Amino Brothers Company, Inc. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7325 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, being a part of the original Contract No. 2010-51.

LOT SPLIT AT 411 EAST 4TH AND 507 EAST 4TH STREET, ELIZABETH ENDECOTT

The City Clerk presented a bill, being Bill No. 2011'39 for a Resolution entitled:

A Resolution Authorizing Lot Splits of Properties Owned by Elizabeth Endecott, Located at 411 East 4th Street and 507 East 4th Street, of the City of Maryville, Nodaway County, Missouri

A Resolution was presented to approve a lot split of two (2) parcels of land, both owned by Elizabeth Endecott, at 411 East 4th Street and 507 East 4th Street. The proposed lot split meets all requirements set forth by the Maryville Municipal Code.

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 Jonagan that Council Bill No. 2011'39 be approved. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Resolution No. 575 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

LOT SPLIT AT INTERSECTION OF W. HALSEY AND W. EDWARDS ST., SNYDER & SNYDER, INC

The City Clerk presented a bill, being Bill No. 2011'40 for a Resolution entitled:

A Resolution Authorizing Lot Splits of Property Owned by Snyder and Snyder, Inc., Located at the Intersection of West Halsey and West Edwards Street, of the City of Maryville, Nodaway County, Missouri

A Resolution was presented to approve a lot split of property owned by Snyder and Snyder, Inc., located at the intersection at West Halsey Street and West Edwards Street. The proposed lot split meets all requirements set forth by the Maryville Municipal Code.

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 Jackson that Council Bill No. 2011'40 be approved. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Resolution No. 576 and was duly passed, adopted and was thereupon signed by

the Mayor and attested by the City Clerk.

ADOPTION OF AN ANTI-FRAUD AND CORRUPTION POLICY

The City Clerk presented a bill, being Bill No. 2011'41 for an Resolution entitled:

A Resolution to Adopt an Anti-Fraud and Corruption Policy, for the City of Maryville, Missouri

Dir., of Finance Denise Town stated that she recently attended a Missouri Government Financial Officers Association (MO GFOA) Conference session that focused on ethics and creating the proper culture in government organizations. Attendees were strongly encouraged to adopt an Anti-Fraud and Corruption Policy which would provide the framework and set expectations, standards and procedures to recognize and address related issues. The proposed was modeled from Missouri cities who have already adopted a policy, in the past few years. If approved, it will be distributed to all current employees and made a part of the orientation packet for new hires.

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 Fall, to approve Council Bill No. 2011'41. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Resolution No. 577 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN AGREEMENT WITH HOCHSCHILD, BLOOM AND COMPANY, LLP, AUDITING SERVICES

The City Clerk presented a bill, being Bill No. 2011'42 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Execute a Contract with Hochschild, Bloom, & Company, LLP, to Conduct an Audit of the City of Maryville, Missouri, for Fiscal Year Beginning October 1, 2010 and Ending September 30, 2011

At the April 25, 2011, City Council meeting the City Council approved Hochschild, Bloom and Company LLP, to perform an audit of the City of Maryville for the fiscal year beginning October 1, 2010 and ending on September 30, 2011. An agreement was presented to the Council for consideration and approval, for auditing services by Hochschild, Bloom and Company, LLP.

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 Councilman Fall, to approve Council Bill No. 2011'42. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7326 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and a part of Contract No. 2011-22.

AMEND CHAPTER 555: SIGNS AND ADVERTISING

The City Clerk presented a bill, being Bill No. 2011'43 for an Ordinance entitled:

An Ordinance to Amend Chapter 555: Signs and Advertising by Amending Section 555.030: Definitions; and to Repeal Section 555.175: Abandoned Signs, of Title V. Building and Construction, Chapter 555: Signs and Advertising, and to Adopt a New Section 555.175: Abandoned Sign Removal, When Deemed Nuisance, of the Maryville Municipal Code, Maryville, Missouri

On March 22, 2010, the Maryville City Council approved an amendment to the sign ordinance requiring closed businesses to remove their signs. Since that time, it has been determined that an amendment to that ordinances was necessary.

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 Jackson, to approve Council Bill No. 2011'43. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7327 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PURCHASE OF TWO PATROL VEHICLES, FOR PUBLIC SAFETY DEPARTMENT

The City Clerk presented a bill, being Bill No. 2011'44 for an Ordinance entitled:

An Ordinance Authorizing the Execution of a Agreement with Lou Fusz- Chrysler, Jeep, Dodge, Ram, for the Purpose of Purchasing Two Patrol Vehicles for the Public Safety Department , Maryville, Missouri

Due to two (2) separate accidents involving patrol cars, the Public Safety Department has two (2) patrol cars out of service. The Public Safety Department has requested the purchase of two (2) Dodge Chargers, from Lou Fusz – Chrysler, Jeep, Dodge, Ram, in O'Fallon, Missouri, by utilizing the State of Missouri purchasing contract that allows the City to take advantage of their bid process. The cost of the vehicles is \$21,674 per vehicle or a total cost of \$43,348. The 2010-2011 Fiscal Year Budget has budgeted \$50,000 and approximately \$13,000 from insurance on the wrecked vehicles.

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 Jackson, seconded by Councilman Wake, to approve Council Bill No. 2011'44. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7328 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and made a part of Contract No. 2011-23.

CONTRACT WITH PLUVIUS, LLC, FOR LEASING OF TRANSFER STATION

The City Clerk presented a bill, being Bill No. 2011'45 for an Ordinance entitled:

An Ordinance to Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Pluvius , LLC, for the Purpose of Leasing the Maryville Transfer Station, Maryville Missouri

An option of a Lease Agreement was presented between the City of Maryville and Pluvius, LLC, providing for ninety (90) days of due diligence to be performed, with any additional extension being permitted for a fee of \$6,250.00, per month. The agreement also provides for either party to opt out of the agreement without a penalty.

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 Jackson, seconded by Councilman Wake, to approve Council Bill No.

2011'45. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7329 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and made a part of Contract No. 2011-24.

REPORTS

I. City Manager

- Monthly Reports have been delayed but are expected to be available within two (2) weeks. An update to the progress on the Goals and Objectives for the present fiscal year will be available shortly, as well.

II. Council Members

- Councilman Jonagan requested that staff begin working up a plan for the Green Space, adjacent to the Southdale Subdivision. Councilman Jackson suggested that Park and Recreation Department be invited to assist in the plan. It was suggested that the next Park and Recreation meeting be attended to inquire about their interest in participating in the planning and development of this project.

EXECUTIVE SESSION

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

City Council met in closed session to discuss the 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.

Motion was made by Councilman Fall, seconded by Councilman Jonagan that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried

ADJOURNMENT

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

Shawn Wake, Mayor Pro-tem

ATTEST:

Sheila Smail, City Clerk