

**Maryville City Council**  
**Regularly Scheduled Meeting**  
**July 25, 2011**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 25, 2011, at City Hall, 415 North Market Street, in said City at 7:00 p.m. Mayor Moss called the meeting to order with the following present Mayor Ronnie Moss, Council Members, Glenn Jonagan, James Fall, Chad Jackson, and Shawn Wake. City staff present included City Manager Matt LeCerf, Dir., Finance Denise Town, and City Clerk Sheila Smail.

**PUBLIC HEARING**

Mayor Moss opened the public hearing and invited Jerri Dearth, Northwest Missouri Regional Council of Governments, to review the information regarding the West 16<sup>th</sup> Street Project.

The city received the disaster supplemental, Community Development Block Grant in January 2010 in the amount of \$375,000 for street and storm sewer improvements on West 16<sup>th</sup> Street between N College Drive and Icon Road.

The engineer on this project was Olsson Associates from Kansas City, MO.

The city procured for Professional grant administrative services in March 2010 and selected NWMORCOG as their administrator. The contractor for services was \$13,000.

An environmental review was performed on the project by the RCOG. It was determined the project would have no adverse effect on the environment and the State issued an "Authority to use Grant Funds" for this project in June 2010. This was one step that had to be completed before the city could advertise for bids.

The city advertised for construction bids beginning August 2010. The city received two bids, one from Loch Sand & Construction from Maryville in the amount of \$\$873,869.55 and the second bidder was Amino Brothers from Kansas City, Kansas in the amount of \$983,416.74. The low bid was award to Loch Sand & Construction on September 13, 2010. The city held an informational meeting on September 30 to discuss the project with local residents and the general public. Topics that were discussed included the phasing of the project, timelines and logistics. Construction commenced on October 4, 2010 and finished the end of June. The project was delayed in the winter from December 28 – March 1.

White Cloud Engineering & Construction and Barmann Sod Farm both from Maryville were sub-constructors.

James Robnett, Compliance Specialist with the DED will conducted a monitoring on the project in December 2010. He will conduct one more monitoring before the grant is closed (August).

Since this was a disaster supplemental grant, additional reporting was submitted quarterly to CDBG.

**PROJECT DESCRIPTION:**

The project included the removal and replacement of approximately 2,600 L.F. of roadway between Icon (Country Club Drive) and North College Drive. The roadway was replaced with an urban cross section (designed from the center line, such as the shoulder, slope, drainage) Portland cement concrete (a type of cement made of concrete, mortar, stucco and grout). Also included the installation of new curb and gutter, roadway widening, and

storm water improvements around and underneath the new driving surface.

Olsson Associates	\$ 79,400.00
Loch Sand & Construction	\$899,868.40 (includes 3 Change Orders) Will be more
Grant Administration	<u>\$ 13,000.00</u>
Total to date	\$912,868.40
CDBG	\$375,000.00 (All funds spent)
City -Cash	<u>\$419,018.17</u> of their \$520,000 (Will be more)
Total	\$794,018.17

**ITEMS REMAINING:**

Final pay estimate from Loch Sand & Construction, Signed Engineer’s Certificate of Completion between City and Engineer, Final Monitoring from the State and then can submit the closeout packet to close the project.

With no further discussion the public hearing was closed and the Council moved on to other business.

**ROLL CALL**

The meeting was called to order by Mayor Moss and the 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., Public Works C.E. Goodall; Dir., Public Safety Keith Wood; Council Liaison Collin DeBuysere 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 THE AGENDA**

Mayor Moss requested any changes needed to the agenda, be noted at this time. Mayor Moss stated that agenda item 12 will be removed and items 13 and 14 will be switched in order of sequence. With no further changes noted, a motion was made by Councilman Jonagan, seconded by Councilman Jackson, that the agenda be approved as amended. 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.

**CITIZENS TO BE HEARD**

Mayor Moss 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.

**REQUEST TO HOLD 5<sup>TH</sup> ANNUAL MAC MINI-TRIATHOLON, PARK AND RECREATION**

An application was submitted by the Maryville Park and Recreation Department to host their 5<sup>th</sup> Annual MAC Mini-Triathlon, on August 6, 2011, a7:30 a.m., beginning at the Maryville Aquatic Center, moving onto city streets and ending back at the starting point. Park and Recreation requested assistance from the City in providing a 4-way stop sign and a caution sign at two intersections along the route.

Motion was made by Councilman Jackson, seconded by Councilman Jonagan, to approve the request to hold the run/bike event on City streets. 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.

**REPEAL AND ADOPT NEW PORTIONS OF CHAPTER 705: WATER AND SEWER**

The City Clerk presented a bill, being Bill No. 2011'62 for a Ordinance entitled:

**An Ordinance to Repeal Section 705.050: Utility Service Deposit; Section 705.300: Water Rates and Charges; Section 705.310: Sewer Rates and Charges; and Section 705.730: Permit Fees, of Chapter 705, Water and Sewer, Title VII. Public Utilities, of the Maryville Municipal Code of the City of Maryville, Missouri, and to Adopt a New Section 705.050: Utility Service Deposit; Section 705.300: Water Rates and Charges; Section 705.310: Sewer Rates and Charges; and Section 705.730: Permit Fees, of Chapter 705, Water and Sewer, Title VII. Public Utilities, Pertaining to the Same Subject**

City Manager Matt LeCerf reviewed the proposed changes to be made to Chapter 705: Water and Sewer, of the Maryville Municipal Code. The proposed Section 705.050: Utility Service Deposit, states that after a customer maintains at least three (3) consecutive years of continuous, timely payments of their utility service account, any security deposit previously paid will be refunded as credit to the customer's utility service account. Any customer who qualifies, shall not be required to maintain a utility service deposit, but will be required to pay any applicable service initiation fee or service transfer fee. After the requirement for a security deposit is terminated, if the utility service of the customer is disconnected for non-payment of a utility bill, the requirement for a security deposit will be reinstated and the applicable deposit will be required to be paid by the customer prior to reconnection or continuation of the utility service. Utility service deposits may be transferred, waived, or applied to a new residence or location if the customer is in good standing and relocates, completes the necessary application and satisfies the applicable fee for service initiation and/or service transfer fee.

Section 705.300: Water Rates and Charges, and Section 705.310: Sewer Rates and Charges, were changed by increasing rates for the services provided to offset the expenses of debt service projects such as the wastewater treatment plant improvements, water treatment plant improvements, the 2 newly constructed water towers, and existing water/lake bonds. Other pay as you go projects include waterline improvements, HSP Project, Inflow and infiltration, SCADA System, Lift Station Generators, Contract Services.

A drafted timeline was provided to depict the schedule of increases to maintain and keep up with the ever changing requirements and needs of the City utilities. It was proposed that the City's water and sewer rates be increased by twenty percent (20%). Maryville's rates were compared to other city, showing that the City of Maryville rates for water and sewer were in line with other providers.

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. 2011'62, to approve the proposed changes to Chapter 705: Water and Sewer. 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. 7343 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **WINDOW WONDERLAND II**

Joyce Cronin, Arts Council, reminded the City Council of the arts displayed in the downtown store windows in December of 2010, and the successful feedback received from the displays. This year the Art Council is looking to expand this project by inviting artist who live locally and away to participate. To encourage participation, they would like to offer three (3) two hundred and fifty dollar (\$250) prizes. There has been an anonymous donor for the first, the downtown business will be approached to collectively donate the second, and the City of Maryville was asked to donate the third two hundred fifty dollar (\$250) donation, for prizes for the contest.

After discussion, motion was made by Councilman Jackson, seconded by Councilman Wake to provide two hundred fifty dollars prize for the Window Wonderland Project. 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.

### **DOWNTOWN HANGING FLOWER BASKETS**

Joyce Cronin, Campaign for Community Renewal, presented an example of a hanging basket with silk flowers that could be used in place of live plants. It has been trying to keep live plants watered and vibrant, so she proposed that the City consider the alternative of artificial arrangements. The cost of artificial verses real plants will be comparable.

It was discussed that the City goes out to bid on the project and have the planters hung by the August 18, 2011, Campaign for Community Renewal Celebration. City Manager LeCerf stated that he would begin the process right away.

### **AGREEMENT WITH MUNICIPAL DIVISION OF CIRCUIT COURT & MO OFFICE, STATE COURTS**

The City Clerk presented a bill, being Bill No. 2011'64 for an Ordinance entitled:

**An Ordinance Authorizing the Execution of an Agreement with the Missouri Division of the Circuit Court and Missouri Office of State Court's Administrator Regarding Services Related to the Justice Information System Implementation Process and Imposing a Court Automation Fee on the Municipal Cases in Order to Assist in Payment Therefore**

The City has been seeking to obtain software to better track the court cases in the Maryville Municipal Court System. The proposed method is offered by the State of Missouri and is paid for by the offender, by adding a seven dollar (\$7.00) fee to the court costs for each case in which they are found guilty or there is no contest. The fee will be relinquished to the State of Missouri. The cost to the City will be approximately two thousand five hundred dollars (\$2,500) for training and equipment.

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 that Council Bill No. 2011'64 be approved. 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. 7344 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the Contract being assigned Contract No. 2011-32.

#### **ADOPTION OF SECTION 115.298: JUSTICE INFORMATION SYSTEM IMPLEMENTATION FEE**

The City Clerk presented a bill, being Bill No. 2011'63 for an Ordinance entitled:

**An Ordinance to Adopt Section 115.298: Justice Information System Implementation Automation Fee, of Title I, Government Code, Chapter 115: Municipal Court, of the Municipal Code of the City of Maryville, Missouri, Authorizing the Collection of Seven Dollars for Each Case in the Municipal Court of Maryville, Missouri, for the Purpose of Funding the City of Maryville's Participation in the Statewide Court Automation System**

An ordinance was presented to be considered allowing the implementation of a seven dollar (\$7.00) fee to each municipal court cases when a person is found guilty or there is no contest. This fee will enable the City to participate in the Justice Information System to better track records for Municipal Court.

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 Fall, seconded by Councilman Wake, to approve Council Bill No. 2011'63. 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. 7345 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **CHANGE ORDER NO. 1, HB CONSTRUCTION CONTRACT, TRAILS PROJECT ARRA-ES01(002)**

The City Clerk presented a bill, being Bill No. 2011'65 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 1, of a Contract with HB Construction, Inc., for the Purpose of Constructing the Maryville Trail Project, Phase A-II, Project No ARRA0ES01(002),for the City of Maryville, Missouri**

Change Order No. 1, of Contract No. 2010-05, with HB Construction, Inc., was presented for a deduction of

sixteen thousand, two hundred twenty-one dollars and seventy-five cents (\$16,221.75), mostly, associated with charge of liquidated damages for the delays associated with the project.

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. 2011'65. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Wake, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7346 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. 2010-05.

#### **REQUEST TO PURCHASE NEW DUMP TRUCK WITH SNOW PLOW, DIAMOND INTERNATIONAL**

The City Clerk presented a bill, being Bill No. 2011'66 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Execute a Contract with Diamond International, for the Purpose of Purchasing a New International Dump Truck with Snow Plow, for the Street Maintenance Department, Maryville, Missouri**

In response to a request for proposal, six (6) bids were received from dealers for a new dump truck, with snow plow, for the Street Maintenance Department. The two (2) lowest bids were from Diamond International, of Kansas City, Missouri. The second lowest was selected because it included a breakaway snow plow. The City had budgeted eighty-five thousand dollars (\$85,000). The cost of the selected product was ninety-two thousand, eight hundred and eighteen dollars (\$92,818), leaving a shortage of seven thousand, eight hundred eighteen dollars (\$7,818). The remaining funds will be taken from a budgeted storm water project.

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. 2011'66. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7347 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement identified as Contract No. 2010-33.

## **AERIAL FIREWORKS**

A concerned citizen made a request to the City to ban all aerial fireworks inside the city limits. The Council Members discussed the number of reported firework injuries and the contents of the current ordinance. Following discussion, it was determined that there was no reason to change the ordinance at this time.

## **MEMBRANES AT WATER PLANT**

Information was provided to the City Council regarding the membranes, which is one of the most important processes in the water production system. Several options were explored as alternatives to the existing membranes. As the evaluation was done, the following items were considered:

- We want the our plant to be capable of producing at a minimum 5 MGD
- Ease of a transition if a change in the membrane system is the best alternative
- Ensures compliance with state and federal regulations
- Is as cost effective of an alternative as possible
- Longevity and/or warranty of the membrane system
- Ability for the current membranes to meet production needs in winter months
- Going back with the same membranes that we are having issues with currently
- Whether the rest of the treatment plant processes can produce 5 MGD

The following were identified as important points in comparing the Pall System to the GE System:

- Pall System: Approximately \$3.5 million for membranes and installation
  - Pros
    - Operates under a pressure membrane system
    - Replacement costs every 10 years at \$500,000
    - Pilot study would be performed during colder months when production is more difficult to achieve. This would allow the City to see first-hand if this system would work in the worst conditions.
  - Cons
    - Installation process would require DNR process of approval due to retrofitting that would have to be done (Potentially 180 days for approval)
    - Time frame would be longer also due to a pilot study which would be required for an additional 3 months to ensure that the 5 MGD could be achieved through this system.
- GE System: \$2.5 for cost of membranes and installation
  - Pros
    - Operates under a vacuum membrane system
    - Installation would be simply removing and restocking the cassettes with modules of new membranes (could be done in-house)
    - No requirements from DNR that would cause time restraints
    - The current Capex system would stay on sight as part of the agreement (City would agree to restock the membranes in the Capex as part of the agreement to take ownership)
    - Potential production of the plant through the membrane system could exceed 7.5 MGD (each of the three trains will be modeled to produce 2.5 MGD and the Capex an additional .5 MGD)
    - GE offers a monitoring system, Zenotrac, which will track operations and offer assistance and advice if needed.

- Cons
  - Replacement costs every 7 years at \$2.5 million

Staff reported that after reviewing both options that staying with the GE System would be most advantageous for the City of Maryville. GE would increase the plant productivity over the required 5 MGD through the membrane style with three (3) trains and the Capex would be adaptable to any type of retro-fitting that would require the Department of Natural Resources' approval and can be some in the time frame equal to having the membranes replaced. With Zenotrac, it is thought that the optimal operations can increase the longevity of the membrane system. Some GE systems have been reported to have produced over twelve (12) years, before changing membranes.

Motion was made by Councilman Jonagan, seconded by Councilman Jackson, to continue with the GE System and replace the membranes accordingly. 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.

**“IN GOD WE TRUST”**

A letter was received by Mayor Moss from Attorney Dee Wampler, requesting the City of Maryville to prominently posting “In God We Trust” at City Hall, or Council Chambers. The request was discussed, with reluctance from some because it was seen as a political endeavor.

Motion was made by Councilman Fall, seconded by Councilman Jonagan, that this issue be tabled. 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.

**REPORTS**

**I. City Manager**

- A work session to discuss budgets for Solid Waste, Mazingo, and Water/Wastewater was requested. Tentatively, it was scheduled for Thursday, August 4, 2011, at 5:00 p.m., at City Hall.
- The County’s Enhanced Enterprise Zone (EEZ) Public Hearing was held. Minimum requirements are predicted to be changed from five (5) full-time employees to two (2) full-time employees.
- Pluvius is reviewing the contract and when it returns, City Attorney Thompson will review it. The three (3) month trial period will expire August 10, 2011.

**II. Council Members**

- Councilman Jackson inquired about the results of the sidewalk sales days held. Luke Reven, Chamber Director, had no information to report.

**ADJOURNMENT**

Motion was made by Councilman Jonagan, seconded by Councilman Wake that the meeting be adjourned. 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. Meeting was adjourned.



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Ronnie L. Moss, Mayor

ATTEST:

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Sheila Smail, City Clerk