

Maryville City Council
Regularly Scheduled Meeting
November 14, 2011
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, November 14, 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 Pro-Tem Wake and roll was called by the City Clerk, with the following present to-wit: Mayor Pro-Tem Shawn Wake, Council Members Chad Jackson, Glenn Jonagan and James Fall. Mayor Moss was not present. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; Dir., Public Works C.E. Goodall; Human Resource Manager Amy Strough; Student Liaison Collin DeBuysere and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Pro-Tem led the pledge to the flag.

INVOCATION

Councilman Jackson gave the invocation.

APPROVAL OF AGENDA

Mayor Pro-Tem Wake asked if there were any changes to be made to the agenda, they be noted at this time. The Discussion: Pluvius Contract, Maryville Transfer Station (No. 10) was removed from the agenda. Motion was made by Councilman Jackson, seconded by Councilman Jonagan, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Pro-Tem, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Pro-Tem requested any changes needed to the minutes of Council Meetings held October 10 and October 24, 2011, to be noted.

Motion was made by Councilman Jackson, seconded by Councilman Jonagan that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Pro-Tem Wake, 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.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the City received non-reoccurring revenue from Missouri Department of Transportation for pay request #4 and #5, for the Streetscape Project (#4-\$83,789.55 and #5-\$39,294.91). Nodaway County also paid their portion of the parking lot asphalt reimbursement (\$20,000.00) and a partial payment from MIRMA for the Water Maintenance building insurance proceeds were received (\$30448.27.

Non-reoccurring bills to be paid included payment to Keller Construction for the asphalt work done behind City Hall (\$40,000.00); the in-town street asphalt overlay (\$123,550.00); and asphalt overlay at Mozingo (\$197,775.00). Amino Brothers was paid for their work on Phase III of the Streetscape Project (\$79,430.82) and Loch Sand and Construction was paid for work on Phase II of the Streetscape Project (\$103,990.91) RDG Company was paid for work performed on the comprehensive plan (\$12,202.00) and People Service was paid the amount to true up the excess expenses for chemicals for water treatment (\$27,409.00).

Bills to be paid for the month November are to Nodaway County Economic Development, for the annual contribution (\$52,000.00). White Cloud will be paid for the pay request #2 (\$151,079.40) and #3 (\$85,680.00) for the high service pup project.

Motion was made by Councilman Fall, seconded by Councilman Jonagan to approve the Treasurer's Report as presented. Upon the roll being called, the vote was as follows: Councilman Fall, yea; Councilman

Jackson, yea; Councilman Jonagan, yea; Mayor Pro-Tem Wake, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Jonagan, seconded by Councilman Jackson to approve the Treasurer's Report as presented. Upon the roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Pro-Tem Wake, yea. Motion carried.

APPROVAL OF LEASE PURCHASE FINANCING OF MEMBRANE MODULES, COMMERCE BANK

The City Clerk presented a bill, being Bill No. 2011'102 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Commerce Bank, for the Purpose of Lease Purchase Financing for the Maryville, Missouri

The City of Maryville opened bids for a Request for Proposal for lease purchase financing for replacement membrane modules for the Water Treatment Facility, on October 31, 2011. The City received five (5) proposals, being from Commerce Bank, D.A. Davidson & Company, US Bancorp Equipment Finance, Municipal Leasing Consultants, and Nodaway Valley Bank. After reviewing the proposals, it was recommended by staff that the City enter into an agreement with Commerce Bank, at an annual rate of 2.28%, making a monthly payment of \$24,214.62 and an escrow fee of \$250.00.

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 Jackson, seconded by Councilman Jonagan, to approve Council Bill No. 2011'102, to enter into an agreement with Commerce Bank for a lease purchase financing agreement for the purchase and replacement of membrane modules for the Water Treatment. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Pro-tem Wake, yea. Motion carried.

Said bill was then numbered Ordinance No. 7376 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No 2011-43.

GROUNDWATER MONITORING SERVICES, AQUATERRA ENVIRONMENTAL SOLUTIONS, INC.

The City Clerk presented a bill, being Bill No. 2011'103 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Aquaterra Environmental Solutions for Groundwater Monitoring Services for the Year 2012 and 2013, Maryville Sanitary Landfill

A proposal was presented to the Council by Aquaterra Environmental Solutions, Inc., for groundwater monitoring services for February, May, August and November of 2012, as well as May and November of 2013. Groundwater monitoring is required according to the settlement agreement between the Missouri Department of Natural Resources (MDNR), the Missouri Attorney General's Office (AGO) and the City of Maryville. Groundwater monitoring is required quarterly through 2012 but semi-annually beginning in 2013. The fee for this service is \$14,500 per monitoring event.

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 Jackson, to approve Council Bill No. 2011'103, to approve an agreement with Aquaterra Environmental Solutions, Inc., for groundwater monitoring

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

Said bill was then numbered Ordinance No. 7377 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No. 2011-43.

MOZINGO 4TH OF JULY FIREWORKS DISPLAY-2012

The City of Maryville in conjunction with the local radio station, KNIM, finance the fireworks display at the annual 4th of July celebration at Mozingo Lake Park. A proposal was presented to the City Council to enter into an agreement with Premier Pyrotechnics, with three options: 1. Payment made in full by December 1, 2011, and receive fifteen percent (15%) more product in the show, 2. Payment made in full by March 1, 2012 and receive ten percent (10%) more product in the show , or 3. Payment in full by April 1, 2012, and receive five percent (5%) product. An additional five percent (5%) was offered for a three (3) year contract.

It was decided by the City Council to postpone the decision to gather more information needed to verify a bond being in place to assure performance.

CONTRACT WITH UAM FOR WASTEWATER TREATMENT IMPROVEMENTS

The City of Maryville has been working toward required improvements at the wastewater treatment plant. City Manager LeCerf reported a series of events along the journey since its inception. The project, originated with Snyder and Associates, engineering firm. Council chose to hire a second engineering consultant for the purpose of reviewing the initial facility plan and to ultimately perform the scope of services associated with the verification study (Phase II).

This took a significant amount of time because of complications with the initial verification consultant company. The City was forced to move beyond this company and contract with another party, HDR, Inc. to perform the verification study. The verification study was completed in final form May 1, 2008. The recommendation of the verification study was that an alternative(s) to utilize the existing lagoons are available and appear to have merit from financial, phasing, and non-monetary standpoints. This report also recommended additional steps suggesting further investigation and verification. Since the completion of the verification study, the Waste Water Treatment Expansion project did not change or moved forward in any manner related to the current contractual agreement with Snyder & Associates for preliminary design.

The verification report provided by HDR, Inc. suggested an estimated construction cost of \$8,246,000 and with a probable annual first year operation and maintenance cost of \$195,000. These costs were significantly below the estimates of an oxidation ditch and presented a possible alternative for our facility.

Consequently, there were multiple options that the City could consider related to expansion and upgrading our Waste Water Treatment facility. The City Council consequently supported a recommendation to terminate the then existing contract with Snyder & Associates adopted March 26, 2007 plus the associated contract from 2004. This was completed at the March 23, 2009 City Council meeting.

In June 2009, the City was visited by UAM about a proposal to perform the necessary improvements to the WWTP. The City had previously worked with the President of the firm, Mr. Gary Lee back in 2000-2002 on the construction of a new water treatment plant. Given the history with the firm, the City Council approved a contract on October 26, 2009 for engineering services pertaining to the planning stages of the WWTP. Specifically this included: Plant Capacity Analysis and Preliminary Environmental Assessment as well as other additional services.

Based on the contract phasing, the City assumed the second phase which was not part of this project scope would be a new contract to perform design engineering and then subsequently the City could bid out the project and construct the necessary improvements. Unfortunately this was not the case and UAM provided another contract to the City for an additional \$47,000 to produce a facility plan. Through negotiations with UAM about the understanding the City had in the initial contract and the frustrations associated with being presented with this proposal having already spent \$133,500, UAM waived the fee for the facility plan. This facility plan contract amendment was approved on January 24, 2011.

The contract associated with planning and all documentation was provided to MDNR on March 22, 2011, which included a request for a construction permit which based on my understanding, approves the treatment

process proposed in the WWTP improvements. Therefore, the City could move forward with the design portion of the project. MDNR responded back to the City of Maryville and the engineer via a letter on May 18, 2011 and requested a response back by June 7, 2011. The engineers requested an extension until July 7, 2011 and that request was granted.

As of August 2011, the City had still not received feedback on the required additional documentation. On August 22, 2011, following unsuccessful attempts by both C.E. and I to discuss the delay with the primary engineer on the project, an email was sent to the contact person at MDNR. Through a series of emails it was learned that still nothing had been sent to MDNR for review based on the initial comments. We were finally able to provide MDNR a response to their May 18, 2011 letter (provided on or about October 13, 2011), but now have learned that our primary engineer contact he has resigned from the company effective November 4, 2011.

City Manager LeCerf stated that the communication has significantly broken down to the point that the City can no longer comfortably rely on UAM to help us meet timelines pertaining to our state permit and compliance limits for wastewater treatment. It was recommended by staff that the City Council consider terminating the City's relationship with UAM and move quickly to identify another engineer to perform the tasks necessary.

Thereupon, motion was made by Councilman Jackson, seconded by Councilman Fall, to terminate the contract with UAM, for engineering services on the wastewater treatment plant. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Pro-Tem Wake, yea. Motion carried.

REPORTS

I. City Manager

- The City received notice that they were not to be awarded the Department of Economic Development Community Development Block Grant (CDBG) funds for the South Depot Street project.
- A meeting has been scheduled with RDG, on November 17, 2011, at 5:00 p.m.
- IDM will soon be submitting the final draft of the feasibility study for a hotel/conference facility at Mozingo Lake Park.
- Due to the Christmas Holiday, the City Council meeting scheduled for December 26, 2011, will be cancelled. The City Council meeting scheduled for November 28, 2011, will be held as scheduled.
- City Manager Matt LeCerf has submitted his resignation. The Human Resource manager reported that the search for a new city manager has begun, with the application deadline being December 5, 2011. It was suggested that with the timeline indicated that it is possible to have a new City Manager hired before the New Year. It was debated as to what the timeline should be for the process and what steps should be taken.

II. City Council

- An inquiry was made about the status of the Pub building regarding plans to repair or demo the dilapidated building.
- Staff was asked if follow-up inspections have been done since the structural engineer spoke to property owners in the downtown area. Exterior inspections were done by Code Enforcement officers and letters were sent to property owners addressing any findings.

III. NWMSU/Council Liaison

- The data analysis will be presented at the December 12, 2011 City Council Meeting to report the results of the Northwest Missouri State University student survey.

EXECUTIVE SESSION

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

Council discussed two (2) topics in Executive Session. The first related to 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 and the other regarding Leasing, Purchase or Sale of Real Estate by a Public Governmental Body Where Public Knowledge of the Transaction Might Adversely Affect the Legal Consideration Therefore, as Authorized by Section 610.021(2) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Fall, seconded by Councilman Jackson 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; Mayor Pro-tem Wake, yea. Motion carried

ADJOURNMENT

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

Shawn Wake, Mayor Pro-Tem

ATTEST:

Sheila Smail, City Clerk