

**Maryville City Council**  
**Regularly Scheduled Meeting**  
**January 9, 2012**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, January 9, 2012, 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 Moss, Council Members Chad Jackson, Shawn Wake, Glenn Jonagan and James Fall. Others present were Interim City Manager Keith Wood; City Attorney Doug Thomson; 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 Moss led the pledge to the flag.

**INVOCATION**

Mayor Moss gave the invocation.

**APPROVAL OF AGENDA**

Mayor Moss asked if there were any changes to be made to the agenda, they be noted at this time. Motion was made by Councilman Jonagan, seconded by Councilman Jackson, 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 December 12 and 21, 2011, to be noted.

Motion was made by Councilman Jonagan, seconded by Councilman Jackson that the minutes 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.

**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.

**REQUEST TO HOLD ANNUAL EUGENE FIELD 5K RUN, APRIL 21, 2011**

Brian Lynn, Eugene Field School, made application requesting permission to hold the annual 5k run, hosted by Eugene Field School. The route was depicted on a map being the same as past years. The required signed hold harmless agreement and certificate of liability insurance for one million dollars, naming the City as an additional insured, was provided.

Motion was made by Councilman Jackson, seconded by Councilman Wake, that the annual 5K Run, hosted by Eugene Field School, be approved as presented. 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.

**ORIGINAL PACKAGE LIQUOR LICENSE REQUEST BY FINISH LINE, 620 NORTH MAIN ST.**

An application was received, for an Original Package Liquor License and a Sunday Original Package Liquor License for Finish Line, located at 620 North Main Street. The application was submitted by Syed Amir Raza Naqvi, current owner of the property and business. A criminal background check was performed with results that provided no cause to deny the licenses. The City has experienced several issues of alcohol sales to minors at this location prior, but had no reason to recommend denial of liquor licenses to the new owner of the business. All requirements were met, and staff recommended the liquor license requests be approved.

Motion was made by Councilman Jackson, seconded by Councilman Fall, that Finish Line at 620 North

Main Street be issued an Original Package and Sunday Original Package Liquor License as requested. 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.

**TREASURER’S REPORT**

Dir., Finance Denise Town reported that the City received non-reoccurring revenue from the Water Treatment Plant membranes financing proceeds (\$1,878,369.00).

Non-reoccurring bills to be paid included payment to Hochschild Bloom, for auditing services (\$25,900.00); Lou Fusz Chrysler Jeep for the purchase of two (2) 2011 Dodge Chargers for Public Safety Patrol Vehicles (\$43,348.00); IDM Group, for services of providing a feasibility study (\$10,000.00); and Tri-State Ford Lincoln, for the purchase of a 2008 Trail Blazer for Public Safety (\$12,699.50). A bill scheduled to be paid in the month January was to Diamond International for the purchase of a 2012 Dump Truck (\$93,307.00).

Motion was made by Councilman Jackson, seconded by Councilman Fall to approve the Treasurer’s Report as presented. Upon the 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.

**PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Wake, seconded by Councilman Jackson to approve the Treasurer’s Report 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.

**PARTICIPATION IN THE 2012 SHOW ME GREEN SALES TAX HOLIDAY**

The City has participated in the Missouri Show-Me Green Sales Tax Holiday since its inception, in 2008. The event is held April 19 through April 25, of each year and allows consumers to purchase qualifying “Energy Star” appliance without paying sales tax to participating entities. The Council was asked to consider whether the City of Maryville shall participate in 2012.

Motion was made by Councilman Fall, seconded by Councilman Jackson, to approve the City’s participation in the 2012 Show-Me Green Sales Tax Holiday, to allow consumers to purchase of qualifying “Energy Star” appliances, from April 19, through April 25, 2012. 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.

**APPOINTMENT OF ADAM TOWNSEND TO THE BOARD OF ZONING ADJUSTMENT**

Upon notification received from Member Doug Stickley of the Board of Zoning Adjustment, a new member was sought. An application was received by Adam Townsend, expressing his interest to serve on the Board of Zoning Adjustment.

Motion was made by Councilman Jonagan, seconded by Councilman Fall, that Adam Townsend be appointed to the Board of Zoning Adjustment, to complete the term/position vacated by Doug Stickley. 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.

**APPROVAL OF EXTENSION FOR BANKING SERVICES AGREEMENT WITH NVB**

The City Clerk presented a bill, being Bill No. 2012’01 for an ordinance entitled:

**An Ordinance to Approve Addendum No. 1 of Contract No. 2009-22 with Nodaway Valley Bank for Banking and Investment Services and to Function and Serve as the Depository of the Funds of the City of Maryville, Missouri**

Dir., Finance Denise Town reported that since the City is not required to annually bid its banking services, she has been working with Nodaway Valley Bank on an agreement to continue the financial services under the same terms with the exception of the interest rate. The Bank’s offered rate is indexed to the 3-Month T Bill, rates which have deteriorated to 0.02 percent.

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 Fall, to approve Council Bill No. 2012'01, to approve Addendum No. 1, of Contract No 2009-22 with Nodaway Valley Bank, for the purpose of extending the banking and investment services and to function and serve as the Depository of the funds of the City. Upon roll being called the vote was as follows: Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7385 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and made a part of the original Contract No. 2009-22.

#### **CONTRACT WITH WHITE CLOUD ENGINEERING, MOZINGO SANITARY SEWER SYSTEM**

The City Clerk presented a bill, being Bill No. 2012'02 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with White Cloud Engineering and Construction Company, for the Purpose of Design Build Services of the Sanitary Sewer System, at the Mozingo Lake Equestrian Trail Bathhouse, Maryville, Missouri**

Proposals were received from White Cloud Engineering and Construction (\$20,400), and Emery Sapp and Sons, Inc. (\$188,980), for the design/build of the sanitary sewer system, located at the bathhouse along the equestrian trail, on the west side of Lake Mozingo Park. Staff recommended that a contract be entered into with White Cloud and Construction Company for the design and construction of 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 Fall, to approve Council Bill No. 2012'02, to approve an agreement with White Cloud Engineering and Construction Company, for services of performing a build design of the sanitary sewer system at Mozingo Lake Park, Equestrian Trail Bathhouse. 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. 7386 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. 2012-01.

#### **PURCHASE A NEW PATROL VEHICLE FROM TRI-STATE FORD AND LICOLN, PUBLIC SAFETY**

The City Clerk presented a bill, being Bill No. 2012'03 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Tri-State Ford and Lincoln, to Purchase a New Patrol Vehicle, for the Public Safety Department, Maryville, Missouri**

Requests for Proposals were received and opened on January 3, 2012, from three (3) dealers, being Machens Ford, Columbia, MO (State Contract) at \$25,750; Shawnee Mission Ford, Shawnee, Kansas, at \$26,045; and Tri—State Ford and Lincoln, Maryville, MO, at \$26,266.88. The City's purchasing policy allows a "purchase local" incentive, of two percent (2%) compared to non-local dealers. The vehicle from Tri-State Ford and Lincoln was two percent (2%) more than the State bid. Staff recommended that the purchase be with Tri-State Ford and Lincoln, at the cost of \$26,266.88.

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. 2012'03, to approve an agreement with Tri-State Ford and Lincoln for the purchase of a new Patrol Vehicle for the Public Safety Department. 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. 7387 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. 2012-02.

**PURCHASE A NEW 4WD PICKUP, FROM BOYLES MOTORS, FOR STREET DEPARTMENT**

The City Clerk presented a bill, being Bill No. 2012'04 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Boyles Motors, for the Purpose of Purchasing a 2012, Regular Cab, 4WD Pickup, for the Street Department, Maryville, Missouri**

Requests for Proposals were received from two (2) dealers, being Boyles Motors (\$21,692.06) and Tri-State Ford and Lincoln (\$23,404.02) for a 2012, regular cab, 4WD Pickup for the Maryville Street Department. Staff recommended that the purchase be with Boyles Motors, at the cost of \$21,692.06.

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. 2012'04, to approve the purchase of a 2012 4WD, pickup from Boyles Motors for the Maryville Street Department. 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. 7388 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. 2012-03.

**PURCHASE A NEW 4WD PICKUP, FROM BOYLES MOTORS, FOR STREET DEPARTMENT**

The City Clerk presented a bill, being Bill No. 2012'05 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Boyles Motors, for the Purpose of Purchasing a 2012, Extended Cab, 4WD Pickup, for the Water/Sewer Maintenance Department, Maryville, Missouri**

Requests for Proposals were received from two (2) dealers, being Boyles Motors (\$29,957.90) and Tri-State Ford and Lincoln (\$29,938.05) for a 2012, extended cab, 4WD Pickup for the Maryville Street Department. The proposal from Tri-State Ford and Lincoln did not meet the required gross vehicle weight in the bid specifications. Therefore, staff recommended the purchase be with Boyles Motors, at the cost of \$29,957.90.

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 Jackson, to approve Council Bill No. 2012'05, to approve the purchase of a 2012, 4WD, pickup from Boyles Motors for the Maryville Water/Sewer Department. 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. 7389 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. 2012-04.

**DISCUSSION OF CONTRACT WITH LATHROP & GAGE, LLP, LEGAL SERVICES, WASTEWATER FACILITY**

Dir., Public Works C.E. Goodall stated that in communications with Lathrop & Gage, LLP, he felt confident that it would be advantageous for the City of Maryville to enter into a contract with them, to provide legal services in negotiations with the Missouri Attorney General’s Office and the Missouri Department of Natural Resources, for the upgrade of the wastewater facility. Lathrop and Gage LLP, was described as an experienced firm in dealing with the issues regarding these matters.

A motion was made by Councilman Jonagan, seconded by Councilman Jackson, that upon approval of the contract by City Attorney Doug Thompson, that the City enter into the contract with Lathrop and Gage, LLP, for the purpose of providing legal services in negotiations for the wastewater facility upgrade. 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.

**REPORTS**

**I. Liaison to Council**

- Meetings will be set to discuss housing issues and will report back to Council.

**II. Interim City Manager**

- Grant Evans was introduced as the new Mozingo Maintenance Superintendent,
- A Retirement reception is planned for David Middleton, Mozingo Maintenance Superintendent and John Stiens, Cemetery Sexton, on January 11, 2012, from 1:00 until 4:00 p.m., at City Hall.
- Interim City Manager Keith Wood proposed to the Council that they consider the pre-purchase of gasoline and diesel, where the price of fuel is projected to increase in the coming months. Potential savings are expected to be sizable since the price of fuel is projected to be on the rise. The Council voted unanimously to approve the purchase of a load of both diesel and gasoline, which is expected to last about six (6) months for the gasoline and nine months for diesel.

**III. City Council**

- David Middleton was thanked for his thirty-eight (38) years of service to the City of Maryville.
- An invoice was received for membership of the Town and Gown Association. It was questioned if the City benefited enough from the association to pay another years membership. It was recommended that the invoice be revisited at the next City Council meeting.

**EXECUTIVE SESSION**

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

Council discussed the an issue related to Section 610.021(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, as Authorized by Section 610.021(13) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Wake, seconded by Councilman Jackson that the Council comes out of executive session. 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

**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 Jonagan, yea; Councilman Wake, yea Councilman Fall, yea; Councilman Jackson, 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