

**Maryville City Council**  
**Regular Scheduled Meeting**  
**January 23, 2012**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, January 23, 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 Pro-Tem Wake and the roll was called by the City Clerk, with the following present to-wit: Mayor Pro-Tem Wake, Council Members Glenn Jonagan, James Fall, and Chad Jackson. Mayor Moss was not present. Others present were Interim City Manager Keith Wood; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Human Resource Manager Amy Strough; Mozingo Maintenance Superintendent Grant Evans, Council Liaison Collin DeBuysere and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Pro-Tem Wake led the pledge to the flag.

**INVOCATION**

Mayor Pro-Tem Wake gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Pro-Tem Wake requested any changes needed to the agenda, be noted at this time. It was requested that number 18, Discussion: Wastewater Facility Upgrade Report, be moved up to follow number 9 and the remaining follow thereafter.

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 Wake, yea. Motion carried.

**CITIZENS TO BE HEARD**

Mayor Pro-Tem Wake 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.

**EMPLOYEE OF THE FOURTH QUARTER OF 2011, PAUL PALMER**

Paul Palmer, also known as "Rooster", was recognized for being selected as the Employee of the Quarter, for the 4<sup>th</sup> Quarter of 2011. Paul is currently employed with the City of Maryville as the Fleet Service Mechanic. He began working for the City in 1996, as the Mozingo Lake and Golf Course departments until this past fall when his father, John Palmer, retired, and Paul acquired the Central Garage Department also.

Paul has been willing to help any department that asks. He has been known to use his personal time to assist others with their personal vehicles.

**PRESENTATION BY JACKSON INSURANCE COMPANY, PROVIDING INSURANCE TO CITY**

Mr. Craig McNeese, Jackson Insurance, requested from former City Manager Matt LeCerf and Human Resource Manager Amy Strough, to make a presentation concerning insurance coverage Jackson Insurance may be able to provide the City of Maryville.

After several months of research and calculations, Mr. McNeese revealed his findings. He compared commercial insurance services that Jackson Insurance could provide, that the City's current provider does not, such as loss of income or business interruption coverage. He explained that commercial insurance premiums are based on the items being covered, unlike the City's current insurance company, which is based on the entities payroll. He added that the City of Maryville has a wide array of assets that would possibly require more than one insurance company to cover everything.

Mr. McNeese suggested that with the 1.7 million dollars of claims resulting from the hailstorm in August of 2011 and claims from years prior to that, it most likely would not be good timing for the City to consider switching to commercial insurance coverage. He recommended that the City consider Jackson Insurance sometime in the future.

**INSURANCE PRESENTATION BY MIRMA, BY MATTHEW BRODERSON**

Matthew Brodersen, Missouri Intergovernmental Risk Management Association (MIRMA), stated that the City of Maryville has been a member of MIRMA since 1984 and explained that MIRMA was formed in 1981 because of the needs expressed by several municipalities to find an insurance provider who could meet all of the needs of municipalities. Currently there are sixty-two members. MIRMA is a non-profit organization and only need to look after their members. Premiums are calculated at a specified rate per one hundred for each member. Payroll numbers has been determined to be an accurate assessment for premiums.

Mr. Brodersen provided documentation showing the history of claims of the City and added that MIRMA provides grant money to purchase safety equipment. He explained that members are provided access to a worker’s compensation attorney through MIRMA membership.

Following his presentation, Council Members discussed the upcoming six months advanced notice, prior to the renewal date of July 1 and determined that they would continue with MIRMA for another year. It was requested that this issue be brought back for further discussion in May of this year to have appropriate time to study the options available before the six month period approaches.

**DISCUSSION: WASTEWATER TREATMENT FACILITY REPORT**

Mr. Michael Kales, HDR Engineering, was present to give an update of the Wastewater Facility Upgrade project. Two sides of the project consist of the regulatory situation and the project costs. The permit for the wastewater treatment plant had new requirements to meet with ammonia levels in February that require an upgrade to meet them. The City is in danger of violation so they filed an appeal with the Clean Water Commission, and has hired an environmental specialist, Lathrop & Gage, LLP, to assist in negotiations with the Attorney General’s Office and the Missouri Department of Natural Resources. The City was given a verbal extension of April 2015 to meet the regulations. An agreement will be written to execute regarding the terms agreed upon. A meeting is scheduled for Friday, February 3, 2012, in Kansas City, by webcam, to work out the details of the agreement.

An affordability analysis is being drawn up as well. Detail cost estimates were calculated for the three most viable solutions to determine the amount needing to request by the voters at the upcoming election.

Additional costs have been realized at the site in that it will need to be raised above the 100 year flood stage. This will cause substantial added costs. The total cost estimate has been determined to be approximately \$13,448,000.

**REVISIT TOWN AND GOWN INVOICE**

Mayor Pro-tem Wake requested comments from other Council Members regarding their thoughts of renewing the City’s membership to International Town and Gown Association. It was suggested that the issue be postponed until the next meeting since Mayor Moss was not present and he seemed to be largely opposed to the renewal. It will be placed on the agenda for the February 13, 2012 meeting.

**REQUEST TO HOLD CITY COUNCIL ELECTION FOR ONE MEMBER, APRIL 3, 2012**

The City Clerk presented a bill, Bill No. 2012'06 for an ordinance entitled:

**An Ordinance Providing for a General Election to be Held on Tuesday, April 3, 2012, in the City of Maryville, Missouri, for the Purpose of Electing One (1) Member of the City Council of the City of Maryville, Missouri, for a Three (3) Year Term; Directing the City Clerk to Make Due Notice of Such Election as Prescribed by Law, to the County Clerk of Nodaway County Missouri**

The two (2) filers for the position due to expire in April, were Shawn Wake and Jeff Funston.

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.

2012'06, to provide for a general election to be held April 3, 2012 for the election of one Council Member. 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. 7390 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AUTHORIZED SPECIAL ELECTION, COMBINED WATER /SEWER REVENUE BONDS**

The City Clerk presented a bill, Bill No. 2012'07 for an ordinance entitled:

**An Ordinance Calling a Special Election in the City of Maryville, Missouri, to Authorize Combined Waterworks and Sewerage System Revenue Bonds to Extend and Improve the Wastewater System of the City**

The Federal and State has mandated the increased requirements set for the process of wastewater which has been estimated to cost \$13,750,000.00. Due to the excessive cost to meet the new requirements, the City has proposed the approval of combined waterworks and sewerage system revenue bonds.

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. 2012'07, to provide for a special election to authorize waterworks and sewer system revenue bonds. 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.

Said bill was then numbered Ordinance No. 7391 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **PURCHASE USED PICKUP FOR MOZINGO LAKE MAINTENANCE DEPARTMENT**

The City Clerk presented a bill, Bill No. 2012'08 for an ordinance entitled:

**An Ordinance Authorizing the Mayor Pro-Tem of the City of Maryville, Missouri, to Execute a Contract with Tri-State Ford and Lincoln, to Purchase a 2001 Ford Pickup, for the Mozingo Lake Maintenance Department Maryville, Missouri**

A request was made by the Mozingo Maintenance Department, to purchase a 2001 Supercrew, XLT Ford 4x4 pickup with approximately 47,000 miles from Tri-State Ford and Lincoln for the price of \$13,999.50. This purchase falls well within the budgeted amount of \$18,000.

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 Jonagan, to approve Council Bill No. 201208, to provide for a special election to authorize waterworks and sewer system revenue bonds. 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.

Said bill was then numbered Ordinance No. 7392 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with contract being identified as 2012-05.

#### **PURCHASE SNOW PLOW FROM HENKE, FOR STREET DEPARTMENT**

The City Clerk presented a bill, Bill No. 201209 for an ordinance entitled:

**An Ordinance Authorizing the Mayor Pro-Tem of the City of Maryville, Missouri, to Execute a Contract with Henke, to Purchase a Snow Plow, for the Maryville Street Department Maryville, Missouri**

A request was made for the purchase of a snow plow for the Maryville Street Department, for \$9,212, from Henke.

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. 201209, to provide for a special election to authorize waterworks and sewer system revenue bonds. 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. 7393 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with contract being identified as 2012-06.

**EMERGENCY REPAIRS TO WATER MAIN TO WATER PLANT ACROSS THE 102 RIVER**

The City Clerk presented a bill, Bill No. 2012'10 for an ordinance entitled:

**An Ordinance Authorizing the Mayor Pro-Tem of the City of Maryville, Missouri, to Execute a Contract with Loch Sand and Construction for the Purpose of Coving the Waterline Supplying Water to the Maryville Water Plant, Maryville, Missouri**

It had come to the attention of the operators of the Water Plant that the supply line coming across the 102 River has been exposed over time. There was a concern that the line would get something jammed under it and be damaged. With this being the only supply of water to the Water Plant, it was deemed as an emergency repair. Quotes were received by Loch Sand and Construction and White Cloud Engineering and Construction for the repairs to be made. Low bid was received by Loch Sand and Construction, at the cost of \$15,032, but through the repair process, there were changes made that will enable the cost to be less than originally thought.

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. 2012'10. 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. 7394 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with contract being identified as 2012-07.

**COMPENSATION FOR INTERIM CITY MANAGER**

The City Council discussed what the compensation should be for the Interim City Manager, Keith Wood until the new City Manager is officially employed by the City.

Motion was made by Councilman Jonagan, seconded by Councilman Fall, that the compensation for the Interim City Manager Keith Wood, be an additional ten percent (10%) of his current salary, beginning on day thirty-one (31). 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.

## **APPOINTMENT OF JUDGE PRO-TEM TO MUNICIPAL COURT**

A request was made by the Municipal Court Staff that the City consider hiring a Judge Pro-Tem, to fill in for the Judge when he is unavailable to preside at Municipal Court. Judge John Baker has a conflict with teaching at Northwest Missouri State University (NWMSU), in the summer of 2012, which falls the same time as court. It was also suggested that it would be advantageous to have a Judge Pro-Tem as a backup in case of illness or whatever may arise that would restrict the Judge from presiding at Municipal Court.

It was recommended that Attorney David Baird be appointed to the position, but it was determined that the position should be published as a Request for Qualifications before an appointment is made. City Attorney Doug Thomson added that an ordinance should also be considered to approve the appointment of a Judge Pro-Tem.

A motion was made by Councilman Fall, seconded by Councilman Jackson, that Human Resource Manager Amy Strough and City Attorney Doug Thomson write a job description to make a Request for Qualifications for the position. 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.

City Attorney Thompson will write an ordinance to be considered for adoption as well. The selected Judge Pro-Tem will be required to attend a training scheduled for May 4 and 5, 2012, to qualify for the position.

## **REPORTS**

### **I. NWMSU Liaison**

- Collin DeBuysere, Liaison to the Council, stated that he has been in touch with Lee Langerock, Nodaway County Economic Development; to discuss the survey taken and determined that it was general in nature. In performing a new survey breaking down the questions to obtain more details, would be more helpful.

### **Interim City Manager**

- Interim City Manager Wood reported on the meeting that Staff had with Darby Logan, Missouri Department of Transportation (MoDOT), regarding the next steps of the outstanding trail grants the City has entered into an agreement with MoDOT. Walnut Street Trail from Lincoln to South Avenue was entered into in 2008, but ran into a snag with the oppositions to the disturbance of right-of-ways with the projected trails widths. Mr. Logan is verifying possibility of revising the trail width in areas of concern. Interim City Manager asked if Staff should proceed upon approval, by holding another meeting with adjacent property owners or wait for new City Manager to arrive. Council suggested that after given written verification by MoDOT, to proceed with meeting, and request Mr. Logan to attend the meeting as well.
- The status of the trail project from the Maryville Middle School to the Hospital is being designed. Olsson Associates will be contacted to find out whether the Engineering has been completed and submitted to the Hospital and/or MoDOT for review.
- Bids have been opened for the trail that includes West 9<sup>th</sup> Street and East 7<sup>th</sup> Street, on October 14, 2011, but no further action has been taken since that time. Staff plans to review the Qualification Statements submitted by five (5) firms, this week and continue to move forward.
- Request for Qualification were scheduled to be sent out that week, for the Beal Park Trail.
- RDG Planning and Design plan to hold another meeting on February 16, 2012, at the Community Center. There will be a meeting held at 5:00 p.m., with the Board, City Officials and staff followed by a public meeting at 7:00 p.m.

### **II. Council Members**

- The Nodaway County Enhanced Enterprise Zone (EEZ) was approved by the State.

## **EXECUTIVE SESSIONS**

Motion was made by Councilman Fall, seconded by Councilman Jackson that the Council, go into executive session. 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.

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.

A second issue was discussed in closed session related to 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 Jackson, seconded by Councilman Fall that the Council comes out of executive session. 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

**ADJOURNMENT**

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

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Shawn Wake, Mayor Pro-Tem

ATTEST:

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Sheila Smail, City Clerk