

**Maryville City Council**  
**Regular Scheduled Meeting**  
**April 9, 2012**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, April 9, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING: DOWNTOWN STREETScape, PROJECT 2009-DT-02, PHASES II AND III**

Mayor Moss opened a Public Hearing for the purpose of closing Project 2009-DT-02, Phases II and III. Jerri Dearmont, Grant Administrator for Northwest Regional Council of Governments (NWMORCG), was present to report on the project.

The city of Maryville received Community Development Block Grant funds in April 2010 in the amount of \$181,100.00, for a Downtown Revitalization project. Other funding included with this project was from the Private investments, Missouri Development Finance Board, Campaign for Community Renewal, Missouri Department of Transportation and City of Maryville.

The Downtown Revitalization project included two Phases. Phase II included the two intersections on the northwest and southwest corners of the square. Phase III included the north, south and west sides around the square. Both phases included the demolition and removal of sidewalk and roadway pavements, milling, resurfacing, re-striping portions of the existing roadway pavement, installation of electrical conduits, decorative light pole bases, and the installation of colored/stamped concrete. Other accomplishments: one business owner will make improvements to three properties they own on the square, both outside and inside. This is the private investment.

The engineering firm for this project was Snyder & Associates, St. Joseph, MO. NWMORCOG served as the grant administrator.

An environmental review was required and performed by the RCOG. It was determined the project would have no adverse effect on the environment and the State of Missouri issued an "Authority to use Grant Funds" in June 2010.

The city advertised for construction bids beginning October 2010. Phase II received four bids with the low bidder being Heartland Contractors from Grandview, MO in the amount of \$190,502. However, Heartland Contractors withdrew their bid and the second low bidder, Loch Sand & Construction received the bid for Phase II. Phase III, also received four bids with the low bidder being Amino Brothers, from Kansas City, KS in the amount of \$315,902.52. The city approved to hire Loch Sand & Construction and Amino Brothers. A preconstruction meeting was held in March 2011 and construction began in April 2011. All work for Phases II & III are complete and the Engineer's Certificates of Completion has been approved by the engineer and city.

Denise Derks, Compliance Specialist with the DED conducted a monitoring on the project in December 2011 and found no findings. Once the private investment is complete and documented the project can be closed.

Snyder & Associates	\$ 124,655.70
Loch Sand & Construction	\$ 250,389.15
Amino Brothers	\$ 334,118.55
<u>Grant Administration</u>	<u>\$ 11,600.00</u>
<b>TOTAL PROJECT COSTS</b>	<b>\$720,763.40</b>

CDBG	\$181,100.00
MoDOT	\$336,527.00
MDFB	\$ 76,320.00
CCR	\$ 74,430.40
Private – Coutts	\$ 00.00
<u>City – Cash</u>	<u>\$ 52,386.00</u>
<b>TOTAL Funds Paid to Date</b>	<b>\$720,763.40</b>

City- In-kind \$70, 155.04 (Labor, Equipment, Materials)  
Waterline Replacement  
(3<sup>rd</sup> & Main and 4<sup>th</sup> & Main)

It was noted that there is one (1) business owner who is still working on making improvements to three properties he owns. Once the improvements are complete, the project will be closed out entirely.

With no further discussion, Mayor Moss closed the Public Hearing and proceeded with the opening of a regularly scheduled City Council meeting.

**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 Moss, Council Members Glenn Jonagan, James Fall, Chad Jackson, and Shawn Wake. Others present were City Manager Greg McDanel; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir. Public Works C.E. Goodall, 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 requested that No. 8, "Citizens to be Heard", to follow No. 14, "Appointment of Mayor and Mayor Pro-Tem".

Motion was made by Councilman Jackson, seconded by Councilman Wake, 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.

## **APPROVAL OF MINUTES**

Mayor Moss requested any changes needed to the minutes of Council Meetings held March 12 and 26, 2012, and the executive session minutes, to be noted at this time.

Motion was made by Councilman Wake, 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.

## **TREASURER'S REPORT**

Dir., Finance Denise Town reported that the City received non-reoccurring revenue from an insurance deposit from the Gary Sherlock fire (\$75,180.81).

Non-reoccurring bills to be paid included payment to Boyles Motors for the Street Maintenance department regular cab, 4WD, ¾ ton pickup (\$21,692.06); HDR Engineering – Wastewater Treatment Plant (33,938.52); White Cloud Engineering for final payment on Water Treatment high service pumps project (\$98,086.60); Gary and Judy Sherlock for reimbursement of insurance deposit for fire (\$75,180.81); Boyles Motors for Water/Sewer Maintenance Department, Chevy 1 ton Pickup (\$29,951.90); CB& I, for final payment on water towers projects (Total invoice was \$128,124.24-Difference was paid from remaining COP proceeds at UMB Bank) (\$16,691.21).

Motion was made by Councilman Jonagan, seconded by Councilman Wake, to approve the Treasurer's Report 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.

## **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Jonagan, seconded by Councilman Wake, 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.

## **FINDINGS OF THE REVENUE BOND TO EXTEND AND IMPROVE THE WASTEWATER SYSTEM**

The City Clerk presented a bill, Bill No. 2012'23 for an ordinance entitled:

### **An Ordinance Declaring the Results of a Special Election Held in the City of Maryville, Missouri, on April 3, 2012**

Due to mandates by the Environmental Protection Agency and Missouri Department of Natural Resources, the City is required to make upgrades to the wastewater facility, to meet new standards set by these agencies. An ordinance was presented to the City Council on January 23, 2012, to request a special election to be held on April 3, 2012, to authorize combined waterworks and sewerage system revenue bonds for up to thirteen million, seven hundred, fifty thousand dollars (\$13,750,000), to extend and improve the wastewater system of the city. With Council's approval, appropriate documents were submitted to the Nodaway County Clerk to request the election to be

held. Election results were seven hundred and fifty (750), in favor and one hundred sixteen (116) against the issue.

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. 2012'23, to authorize combined waterworks and sewerage system revenue bonds for up to thirteen million, seven hundred, fifty thousand dollars (\$13,750,000), to extend and improve the wastewater system of the city. 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. 7405 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **FINDINGS OF ELECTION OF CITY COUNCIL MEMBER, APRIL 3, 2012**

The City Clerk presented a bill, Bill No. 2012'24 for an ordinance entitled:

**An Ordinance Declaring the Results of a Special Election Held in the City of Maryville, Missouri, on April 3, 2012, Declaring that Funston was Duly Elected as a member of the City Council of the City of Maryville, for a Three Year Term**

An Election was held on April 3, 2012, to elect a Council Member for one position available.

Incumbent

Shawn Wake and Jeff Funston filed and were placed on the ballot for election. Election results were Shawn Wake -323 and Jeff Funston – 544. An ordinance was presented to approve Jeff Funston to the City Council, for a three (3) year term.

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. 2012'24. 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. 7406 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **DEPARTURE GIFT FOR COUNCILMAN WAKE FOR YEARS OF SERVICE**

Mayor Moss and Council thanked Shawn Wake for his years of service as a Council Member of the City of Missouri. As a token of appreciation Mr. Wake was presented with a Northwest Missouri State University jacket and shirt.

## **OATH OF OFFICE**

The City Clerk administered the oath of Office to Jeff Funston. Following the oath of office, Councilman Funston took his position as a member of the City Council.

## **APPOINTMENT OF MAYOR**

Mayor Moss declared the floor to be open for nominations for Mayor for the coming year.

A nomination was made by Councilman Jackson, that Councilman Moss be appointed as Mayor of the City of Maryville.

A nomination was made by Councilman Fall, that Councilman Jonagan be appointed as Mayor of the City of Maryville.

With no further nominations, Mayor Moss announced the nominations for Mayor have ceased.

Roll call was taken for each nominee as Mayor with Glenn Jonagan being appointed as the Mayor of the City of Maryville for the coming year, by a 3-2 vote.

## **APPOINTMENT OF MAYOR PRO-TEM**

Mayor Moss declared the floor open for nomination for Mayor Pro-Tem. A nomination was made by Councilman Jonagan, that Councilman Fall be appointed as Mayor Pro-Tem for the coming year. Another nomination was made by Councilman Jackson, that Mayor Moss be appointed as Mayor Pro-Tem. With no further nominations, Mayor Moss announced the nominations for Mayor Pro-Tem have ceased.

Roll call was taken for each nominee as Mayor Pro-Tem, with Jim Fall being appointed as the Mayor pro-Tem of the City of Maryville for the coming year, by a 3-2 vote.

Mayor Jonagan and Mayor Pro-Tem Fall accepted their positions, with Mayor Jonagan leading the remainder of the meeting.

## **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.

Mr. Mark Watkins, 1168 Ashley Dr., co-owner of shops at Mary-Mart Shopping Center, in the 1400 Block of South Main Street. The portion that was previously housed by Watkins True Value is being converted to a restaurant. With this conversion, a code upgrade to include a sprinkler system in the structure is required. In order to acquire the proper water pressure needed, a larger water main will be needed in the area. Mr. Watkins requested that the City extend their water main to the area for this reason and for future economic development of the area.

Mr. Watkins made a second request which was to issue a temporary occupancy permit for the

restaurant so they can open their doors rather than waiting for approval from the Missouri Department of Natural Resources (MDNR) and construction in extending the water main as needed.

It was estimated that the City's portion of the water main extension would be between \$26,000.00 and \$30,000.00.

Motion was made by Councilman Jackson, seconded by Councilman Funston that the City proceeds with obtaining a permit from MDNR, to extend the water main. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion approved. It was also determined that for the time being, the temporary occupancy for the restaurant would not be considered until further discussion.

### **PIPER-JAFFRAY, FINANCIAL ADVISOR, COMBINED WATERWORKS & SEWERAGE BOND**

The City Clerk presented a bill, Bill No. 2012'25 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Piper-Jaffray, for the Purpose of Providing Financial Advice for the Combined Waterworks and Sewerage System Bond Issue, Series 2012**

Staff has worked with Piper Jaffray for a numbers of years, including the last several years on the financing of the construction of a new sewer treatment facility.

The Municipal Securities Rulemaking Board ("MSRB") which is the self-regulatory organization for securities dealers has recently adopted new rules because of congressional approval of Dodd-Frank Financial Reform Act. The specific change related to municipal issuers of bonds involves the relationship and roles of bond underwriters serving also as investment advisors. MSRB Rule G-23 prohibits municipal securities dealers from serving as financial advisors and subsequently underwriting the same bond issue. To ensure the City is not indirectly exposed to a potential conflict of interest with Piper Jaffray, staff is recommending the City enter into a clear and specific financial advisory agreement with Piper Jaffray for the bonds the City will be issuing for the sewer project. As a result, Piper Jaffray will advise the City on the bond issue and subsequent process of selling these bonds but Piper Jaffray will not underwrite or purchase any of the bonds. The cost for these services is \$12,500 for the initial bond issue and \$7,500 per issue thereafter, if multiple series of bonds are issued.

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 Moss, to approve Council Bill

No. 2012'25, to approve the contract with Piper-Jaffary. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7407 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. 2012-17.

#### **APPROVAL OF A RESOLUTION WITH NODAWAY VALLEY BANK FOR E-CORP ACH SERVICES**

The City Clerk presented a bill, Bill No. 2012'26 for a resolution entitled:

##### **City of Maryville, Missouri, Nodaway Valley Bank for e-Corp ACH Resolution**

Due to the City recently hiring Greg McDanel, as the new City Manager, it is required that the City Council approves banking documents that reflect the changes made.

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 Jackson, seconded by Councilman Fall, to approve Council Bill No. 2012'26. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Resolution No. 587 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH TOM HOOKER, RECTIFY DANGEROUS AND UNSAFE STRUCTURES**

The City Clerk presented a bill, Bill No. 2012'27 for an ordinance entitled:

##### **An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Tom Hooker, for the Purpose of Eradicating Dangerous and Unsafe Buildings within the City Limits, Maryville, Missouri**

The City of Maryville has been actively pursuing the removal of structures designated as dangerous and unsafe according to the municipal code. Tom Hooker is an owner of several properties in Maryville that qualify as a dangerous and unsafe according to Chapter 530 "Dangerous and Unsafe Building", of the Maryville Municipal Code. Staff has been in negotiations with Mr. Hooker to facilitate the removal of said structures according to the agreement presented. Mr. Hooker has agreed to demolish and remove all structures located at 824 N. Main Street, 816 N. Main Street, 103 W. 7<sup>th</sup> Street, 311 W. 7<sup>th</sup> Street, 518 E. 1<sup>st</sup> Street, 111 W. Thompson Street, and 222 S. Main Street.

Mr. Hooker has agreed to remove all of the structures at his expense from a municipal court bond held by the City. Commencement of demolition will begin no later than April 30, 2012 and shall be completed by July 10, 2012. According to the agreement, the city has the authority to proceed with demolition should the property owner fail to complete the project within the time

period outlined. Demolition will occur one at a time with inspections being performed by the City assuring completion of current property before moving to the next.

The agreement authorizes the use of a municipal court bond in the amount of \$22,804.00 for demolition of structures. A discounted rate of \$36.00 per ton as a tipping fee at the City's Transfer Station is also authorized for all demolition debris 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 Moss, to approve Council Bill No. 2012'27. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7408 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2012-18.

#### **PROFESSIONAL WEB GIS DEVELOPMENT & WEB HOSTING, MIDLAND GIS SOLUTIONS**

The City Clerk presented a bill, Bill No. 2012'28 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Midland GIS Solutions, for the Purpose of Providing Professional Integrity™ Web GIS Development and Hosting Services**

Midland GIS Solutions of Maryville submitted a proposal to provide professional web GIS (Geographic Information Systems) development and web hosting services. The Integrity™ web GIS Product will integrate existing aerial photography, data layers, and related databases and makes the information available through a web based mapping program.

Access to Integrity is customizable and city staff can control data made available internally to employees and externally to the public. The interface will allow city employees to access detailed parcel information and work orders instantly through the web based system. Citizens will also benefit by being able to obtain basic information such as zoning, aerial mapping and sewer information. Integrity™ also includes an editing function for a secure user, such as the City's GIS Coordinator, to edit features and attributes within the system. A proposed application website was available for Council and Staff to experience the functionality.

The proposed contract with Midland GIS Solutions outlined a \$4,000.00 expense for GIS web site design and development and an additional \$400.00 per month expense for web hosting beginning August 1, 2012. Expenses for this project were budgeted.

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. 2012'28. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7409 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2012-19.

### **REQUEST FOR LOT SPLIT AT 416 WEST 11<sup>TH</sup> STREET, BY DONALD WENRICH**

The City Clerk presented Council Bill No. 2012'29 for a resolution entitled:

**A Resolution Authorizing a Lot Split of Property Owned by Donald Wenrich, Located at 416 West 11<sup>th</sup> Street, of the City of Maryville, Nodaway County, Missouri**

Mr. Donald Wenrich submitted the required documents for a lot split at 416 W. 11th Street. The lot was zoned R-4. The lot split would still allow both lots to meet the minimum street frontage (66'), the minimum lot size (8,000 sq. ft.), and the sidewalk setback (6'). Mr. Wenrich wishes to split the lots for selling or building purposes.

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 Fall, seconded by Councilman Jackson, to approve Council Bill No. 2012'29, to approve the requested lot split at 416 West 11<sup>th</sup> Street, as presented. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Resolution No. 588 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **REAPPOINTMENT OF PLANNING AND ZONING COMMISSION MEMBERS**

City Clerk Smail presented to the City Council a recommendation to reappoint Planning and Zoning Commission. Members Rex Wallace and Kathy Rice, who were initially appointed by the City Council in 2003, as well as, Mark Galbraith who joined the commission in 2009. These members have expressed their desire to serve another 3 year term.

Motion was made by Councilman Fall, seconded by Councilman Jackson, that Planning and

Zoning Commission Members Wallace, Rice, and Galbraith, be appointed to another three (3) year term. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

### **CIP STREET PROJECTS**

City Manager McDanel reported that staff analyzed streets for the Street Program category and a financing gap exists between streets identified as a priority and CIP tax revenues. After examination of four (4) streets as proposed CIP projects, Staff recommends proceeding with the following two (2) projects:

1. South Depot, from 1st Street to Halsey at the cost of \$1,117,406.00, has been identified as the top priority due to its current condition. The section was identified as one of the worst roads in town and is essentially a gravel street. Engineering on this project has already been completed at a cost of approximately \$105,000. Although this project has been engineered to South Avenue, in order to complete additional road projects in the current CIP, it is recommended to scale back the project to Halsey. Polk Township committed funds to extend the project further south, but the commitment would not cover the additional project cost.
2. South Munn Avenue from South Ave. to Highway V at the cost of \$1,796,841.00, has been identified as a priority due to condition and the presence of high traffic. Munn Avenue assists in alleviating congestion from Main Street and becomes a highly visible corridor due to various high school events. The project also has a potential for obtaining assistance from grants and other financial sources.

Although these streets are identified as priority projects, a considerable portion of funding made available in 2008 has been used for annual street overlays, Main Street Improvements, and the W. 16<sup>th</sup> Street Project. There are remaining funds that could potentially be made available for further street improvements over the remainder of the CIP being, from the Street Program - \$2,496,100, Remaining from Sirens \$ 266,384, '08 COP expenses \$(32,500), leaving available funds of \$2,729,984.00. With the proposed project, the total costs are estimated to be \$3,344,247.00, including an estimated \$355,000 in interest being paid, and the projected gap in funds being \$614,263.00.

One of the CIP projects not chosen this time, is College Avenue, from Grand Ave to Country Club at the cost of \$1,089,612.00. It is in poor condition and has high traffic volume, but is a good candidate for an overlay project until additional funds are available.

The other CIP project not chosen was South Walnut Street, from Lincoln Street to Prather Street, at a cost of \$2,228,031.00, with the roadway being in need of improvement and is highly traveled by local residents and university traffic. Due to limited right-of-way widths and drainage issues, the project will be the most expensive of those proposed and delayed due to limited funding.

City Council Members were in favor of staff moving forward with the CIP Street Project as presented.

## **REPAIR OF MEMBRANE RANK IN CAPEX BUILDING**

The City had installed all but one set of membranes for the membrane replacement project at the Water Treatment Plant. Installation of the final membrane was delayed due to a repair required to the membrane tank, of the membrane tank being sandblasted and application of a new coating. Staff decided last fall to wait until spring for the repair and installation to ensure the membranes would not be damaged by freezing temperatures. The project will take a few days to complete as the roof of the Capex building will be removed to allow for the membrane installation.

The tank repair will cost \$12,946 and will be performed by G.A. Thompson Painting Contractor. Loch Sand & Construction Co. will provide equipment and an operator for the removal of the roof at a cost of \$140/hour (16 hours estimated), with a two hour minimum. The total cost of the project is estimated at fifteen thousand, one hundred eighty-six dollars (\$15,186.00). The repair is unbudgeted, but will allow for completion of the membrane replacement project in the current budget. Unreserved water funds will be used to perform the repair project. Council approved Staff to proceed with completion of the project.

## **SOLID WASTE OPERATION**

City Manager McDanel reported to the City Council after analyzing the options for dealing with the financial losses experienced at the transfer station and with the solid waste enterprise. The transfer station was built in 1999 and opened in 2000 as a depository for solid waste. It created the necessary health and safety infrastructure to the citizens at a time when the City was closing its solid waste landfill in accordance with DNR regulation. The transfer station also took the place of the landfill as the primary disposal site, which allowed the City to maintain and provide a disposal area for an infinite amount of time.

The city is faces with two solid waste operation expense components. The first is the landfill's post-closure expense mandated by the Missouri Department of Natural Resources (MoDNR), and the second is the operating costs of the transfer station.

The solid waste operation's revenue source is solely tipping fees based on tonnage at the transfer station. The sole revenue source has not been able to cover these two major expense components because of a lack of control as to the tonnage that comes into the landfill. The City has attempted various strategies to bring the solid waste operation out of the red, including changing tonnage rate, cutting costs, and negotiating with DNR on landfill monitoring operations. The City's efforts to this point have still resulted in a necessary infrastructure operation which operates annually at a financial loss.

The stability of the City's transfer station relies heavily on revenue provided by trash haulers in Maryville. Porter Trash Service LLC, the largest hauler by volume, has been approved by the Missouri Department of Natural Resources Solid Waste Management Program to construct a solid waste transfer station east of town along Highway 136. The construction of a competing transfer

station is underway and expected to further reduce revenue and financial security for the city's operation.

City Manager McDanel presented the following options for council discussion:

- ✓ Option "A" – Solid Waste Flow Control: Solid waste flow control is constitutional and can be justified. Flow control ordinances mandate that all solid waste generated within a local government's boundaries be transported to or disposed of at a facility controlled by the local government.
- ✓ Option "B" – "Put or Pay" Agreements: Minimum Threshold agreements, often referred to as "Put or Pay", are typically made with solid waste haulers obligating those haulers to bring at least a minimum threshold of material to the transfer station on a daily basis. If minimum tonnage obligations are not delivered, the hauler is obliged to pay for the shortfall.
- ✓ Option "C" – Solid Waste Usage Fee: A "solid waste user fee" for each residence would be attached to the monthly combined water-sewer bills. This fee would be paid to the city in excess of the citizen paying the solid waste hauler for service. All households would pay the fee as trash service would be mandated for all occupied dwellings by ordinance. Additional revenues derived from this alternative would be used support the city providing the service of operating the transfer station, compost center, and monitoring post-closure of the landfill.
- ✓ Option "D" – Solid Waste Haulers License Surcharge: Solid Waste Haulers License Surcharge would create a process to require all solid waste haulers operating in the Maryville city limits to acquire a license and remit the City a certain percentage of revenues on a monthly or quarterly basis. It can be anticipated that additional charges incurred by haulers would be passed onto customers of the service.
- ✓ Option "E" – Municipalization of Solid Waste Collection: Municipalization of solid waste collection within the city limits allows the city to carry out trash services with employees and city-owned equipment or through an exclusive contract with a third party. Missouri statues allow a city to begin solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities. The legislature requires the City must give a two (2) year notice of its intent to municipalize.

Each option recommended by staff, contain various legal ramifications that would be reviewed upon implementation.

City Manager McDanel also reported on the significant operational expenses over the past (12) fiscal months:

- \$134,000 – Salaries (2 FTE, 2PT scale clerks, includes benefits)
- \$719,000 – N.R. Hamm Quarry, Inc. contract (\$32.92 per ton + fuel surcharge)

- \$41,000 – State tonnage fee (*\$2.11 per ton*)
- \$13,000 – Loader payment (*paid in full - Oct. 2014*)
- Landfill closure testing: \$60,000 in 2012, \$35,000 estimated annually in future years
- No interdepartmental charges (*estimated \$20,000 annual expense in city/street sweeper tonnage*)
- Operation currently has a sliding scale fee:
  - <149.99 tons = \$52.50 per ton
  - 150.00 – 224.99 tons = \$50.00 per ton
  - >225.00 tons = \$45.00 per ton

Porter Trash Service, LLC tonnage for FY 2011 – 7,341.76 out of 17,382.79 tons (42.24%).

After analyzing the City’s transfer station operation and options, staff’s position was that there is no sole solution for financial stability. The solid waste operation is inherently subject to fluctuation of revenues and expenditures (*post-closure testing, solid waste tonnage, fuel charges, city use, etc.*). Although challenging, there are certain recommendations that the city could adopt to enhance the probability of financial solvency.

**1. Eliminate the sliding scale fee:** The sliding scale was designed to encourage additional tonnage at the city’s transfer station. Since implementation in 2007, Porter Trash Service, LLC has experienced the majority of the sliding scale benefits. In FY 2011, this hauler would have paid \$55,000 more had the sliding scale discount not been in place.

**2. Account for interdepartmental charges:** The transfer station does not account for city delivered waste as an operational expense. Staff estimates approximately 600 tons per year is collected through Public Works street sweeping efforts. At current rates this equates to an annual expense of \$21,000.

**3. Increase per ton fee to \$54.00:** Staff has analyzed surrounding transfer station and landfill rates, which show merit for a slight increase. The City of Maryville contract with N.R. Hamm Quarry, Inc. includes a fuel surcharge that fluctuates with the average monthly price of fuel according to the U.S. Department of Energy. The City anticipates this expense to continue to rise during the next fiscal year. Surrounding areas tipping fees are shown as follows:

o Transfer Stations

- American Disposal & Recycling, Rock Port, MO = \$60.00 per ton
- Veolia Environmental, Bethany, MO = \$53.00 per ton
- Chillicothe Transfer, Chillicothe, MO = \$48.41 per ton

o Sanitary Landfills

- City of St. Joseph, St. Joseph, MO = \$40.00 per ton (not licensed)
- Page County Landfill, Clarinda, IA = \$75.00 per ton

An increase of \$1.50 per ton creates a projected \$15,000 increase in annual revenue to assist with increased fuel costs, and loss of revenue from Porter Trash Service, LLC. Any increase should be positioned slight enough to avoid further decreases in tonnage.

**RECOMMENDATION:**

***ANALYZE AND IMPLEMENT OPTIONS "C" OR "D":***

Implementing either of these options will provide the city solid waste operation with a stabilizing source of revenue. While neither option limits Porter Trash Service, LLC from constructing a competing transfer station, these alternatives put the appropriate fees on the users of the service and/or the solid waste haulers.

***RE-BID N.R. HAMM QUARRY, INC. CONTRACT:***

The largest expense at the city's transfer station operation is the contract for solid waste removal and transportation to an approved landfill. The City has been approached by a reputable company who has inquired about the contract and states this service can be performed at a lower cost. The contract is currently renewed automatically in (6) month increments and either party may cancel with 120 days notice.

**MOZINGO SANITARY SEWER SYSTEM - CHANGE ORDER**

In December 2011, the City of Maryville released a Request for Proposals for the design and construction of a sanitary sewer system for the west side equestrian area of Mozingo Lake. The RFP did not request a specific type of system, yet required the designer to submit an option that met or exceeded the capacity needs of the area at that time. The City received two proposals, one from Emery Sapp & Sons, Inc for \$188,980, and accepted the proposal from White Cloud Engineering & Construction, Inc. for \$20,400.00.

Construction of restroom facility is now underway and staff is questioning how to properly accommodate for additional RV equestrian pads and system expansion. White Cloud Engineering & Construction, Inc. has submitted the attached letter outlining options for system expansion and associated costs.

Doubling the capacity of the sanitary system will result in an additional expense of \$9,300 from the original proposal. To accommodate the expansion, proper storage and dumping capacity is also recommended. A 3,000 gallon dump station will provide for a controlled discharge at an additional cost of \$8,040. The total cost for the proposed expanded system is \$37,740.00. Staff made a recommendation to the Council to approve the proposed sanitary system design and allow City Manager to execute the proper change order to complete the project.

**REPORTS**

**I. NWMSU Liaison**

- Collin DeBuysere, Liaison to the Council, reported that the Student Government and Dr. Baker, Vice President of Student Affairs, will be considering a replacement liaison to replace Mr. DeBuysere, as he will no longer serve as liaison to the City Council. Mr. DeBuysere was

commended for his service as the liaison between the City Council and Northwest Missouri State University.

## **II. City Manager**

- Maryville Code Inspector. Ben Roed, recently passed certification testing to achieve Residential Building Inspector status. Ben is studying for additional certifications and provides additional credibility and professionalism to city code enforcement operations.
- Requests for Proposal were released seeking bids from experienced and qualified vinyl Siding professionals to remove and dispose of the existing vinyl siding on the Mozingo Lake Golf Course Clubhouse located at 25055 Liberty Road. Maryville, Missouri, and to install new high grade vinyl siding. Bids will be opened on April 13, and be prepared for council consideration at the April 23, 2012, City Council Meeting.
- City has been working with PGAV Planners through the DREAM initiative to develop a downtown strategic plan. A draft of the plan has been completed and provided to council for review. PGAV will hold a formal public meeting and presentation on April 26, at 6:30 p.m. in the north meeting room of the Maryville Community Center. Recommendations for the plan will be discussed and PGAV will solicit comments from a web survey and comment cards. After the meeting. The final report will be completed and presented for council acceptance.
- RDG Planning and Design has now made zoning recommendations for the City of Maryville for the comprehensive plan. Suggested Zoning Changes were presented to the Planning & Zoning Commission on March 28, 2012, which began a 30-day public comment period. A public workshop will be held to address concerns on April 25, 2012, in the City Council Chambers at 12:00 p.m. and 5:00 p.m.
- The City has approved a change order with Olsson Associates for additional engineering and design of a trail lighting system on this project similar to a nearby trail. The additional lighting will be bid as an alternate for construction on the project to allow for bid acceptance if funds exist and the lighting is deemed necessary.
- The Alliance for Innovation will be hosting their 2012 Transforming Local Government Conference in Kansas City. MO April 17-20, 2012. The national conference is sponsored by the Missouri City/County Managers Association, Kansas Association of City/County Managers, Mid-America Regional Council, and the KU School of Public Affairs. Finance Dir., Denise Town and City Manager McDanel will be attending.
- Gary Markenson will be working with the City of Maryville to provide a municipal management and official training session on April 23, 2012, at 5:30 p.m. in the City Council Chambers. Topics to be covered will include powers and duties of the Governing Body, rules of order, ordinances vs. resolutions, open meeting and records law,

Conflicts of Interest, and the Hancock Amendment. The training will provide a refresher course for the Governing Body and Staff.

## **II. Council Members**

- Councilman Jackson reported that there will a meeting of the University Collaboration Coalition on Tuesday, April 10, 2012, at 7:30 a.m., at the University Student Union Board Room.
- Councilman Moss expressed his concerns regarding proposal from RDG, which indicated that Faustiana Place and Sunset Addition to be rezoned to an R-2 zone. He was concerned that an R-2 zone may encourage rentals. He was also concerned that those in an R-2 zone would cause anyone wishing to park curbside of the street to obtain a permit from the City to do so. He added that he was concerned about how RDG determined their recommendation and how they would support the recommendation being an improvement for the City. He questioned how they determine which houses were rental and which ones were owner occupied. Councilman Moss will contact the Public Works Department to express his concerns.

## **ADJOURNMENT**

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

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Glenn Jonagan, Mayor

ATTEST:

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Sheila Smail, City Clerk