

**Maryville City Council
Regular Scheduled Meeting
May 14, 2012
7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, May 14, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING: ANNEXATION OF CITY PROPERTY, SOUTH HESTER STREET R-O-W

Mayor Jonagan opened a Public Hearing for the purpose of hearing comments by those who wish to speak in favor or in opposition of the proposed annexation of City property, being the right-of-way along South Hester Street. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jonagan closed the Public Hearing.

PUBLIC HEARING: REZONING OF PROPERTY LOCATED AT 203 W. 12TH, SLEDGE

Mayor Jonagan opened a Public Hearing for the purpose of hearing comments by those who wish to speak in favor or in opposition of the proposed rezoning of the property located at 203 West 12th Street, owned by Randy and Stephanie Sledge. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jonagan closed the Public Hearing.

ROLL CALL

The meeting was called to order by Mayor Jonagan and the roll was called by the City Clerk, with the following present to-wit: Mayor Glenn Jonagan, Council Members Ronnie Moss, James Fall, and Jeff Funston. Councilman Chad Jackson was not present. Others present were City Manager Greg McDanel; City Attorney Doug Thomson; Dir., Finance Denise Town; Dir. Public Works C.E. Goodall, Dir., Public Safety Keith Wood and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jonagan led the pledge to the flag.

INVOCATION

Councilman Fall gave the invocation.

APPROVAL OF THE AGENDA

Mayor Jonagan requested any changes needed to the agenda, be noted at this time. With no changes noted motion was made by Councilman Moss, seconded by Councilman Fall, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Jonagan requested any changes needed to the minutes of Council Meetings held April 9, May 14, 2012, and executive sessions, be noted at this time.

Motion was made by Councilman Fall, seconded by Councilman Funston, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

REQUEST TO HOLD THE NWMSU HOMECOMING PARADE ON CITY STREETS, NOV. 3, 2012

City Staff received an application from Northwest Missouri State University (NWMSU), requesting permission to hold the Annual NWMSU Homecoming Parade, on November 3, 2012, beginning at College Avenue and Munn Avenue, going east on College Avenue/West 4th Street to North Vine Street, turning left on North Vine Street where the parade will disperse. It was estimated that the City would experience a financial impact of \$1,520.00, to provide assistance for the event.

Motion was made by Councilman Funston, seconded by Councilman Moss, that the request to hold the Annual NWMSU Homecoming Parade be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

REQUEST TO CLOSE 300 BLOCK OF MAIN STREET FOR MEMORIAL DAY CELEBRATION

Staff received an application from James Edward Gray American Legion Post #100, requesting to close the 300 block of North Main Street, to hold the "21 Gun Salute", at the Annual Memorial Day Celebration, May 28, 2012, at 11:00 a.m.

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve the closure of the 300 block of North Main Street, for the Memorial Day Ceremony, as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

REQUEST TO HOLD MARYVILLE MARATHON ON CITY STREETS, HOSTED BY CHAMBER

An application was received from the Greater Maryville Chamber of Commerce, requesting to hold the annual Maryville

Marathon upon city streets, on Saturday, June 9, 2012, beginning at 5:00 a.m., and conclude at approximately 3:00 p.m. The event will begin and end at Donald Westside Park.

Motion was made by Councilman Funston, seconded by Councilman Fall, to approve the request to hold the annual Maryville Marathon, as presented. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

REQUEST FOR STREET CLOSURE FOR BOYLES MOTORS GRAND RE-OPENING, MAY 30, 2012

David Boyles, Boyles Motors, submitted an application requesting permission from the City Council to close North Market Street from 2nd Street to 3rd Street, leaving intersection passable, for the purpose of holding a car show, on Thursday, May 31, 2012, from 5:00 a.m. until 9:00 p.m.

Motion was made by Councilman Fall, seconded by Councilman Funston to approve the requested street closure, as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the City had Non-reoccurring bills to be paid which included payment to HRD Engineering, for the Wastewater Treatment Plant (31,295.69); Boyles Motors, for a 2012 Chevy Impala for Public Safety-Administration (\$21,931.16), and Tri-State Ford Lincoln Mercury, for 2013 Ford Explorer (26,266.88).

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

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Moss, seconded by Councilman Fall, to approve the payment of bills, as presented. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

REZONING REQUEST FOR PROPERTY AT 203 WEST 12TH STREET, OWNED BY SLEDGE

The City Clerk presented a bill, Bill No. 2012'35 for an ordinance entitled:

An Ordinance to Amend Section 405.040 (The Official Zoning Map), Ordinance No. 4984 (The Zoning Ordinance), Upon the Application of Randy and Stephanie Sledge, Rezoning Property Located at 203 West 12th Street, From R-2 (Single Family Residence Zone) to C-3, (Commercial District Zone)

Randy and Stephanie Sledge submitted an application requesting rezoning of the property located at 203 West 12th Street, from R-2 to C-3 for the purpose of re-opening a "Crank and Pedal" bike repair shop. The Planning and Zoning Commission met on March 28, 2012, to consider the request made, and recommended to the City Council to approve the request.

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 Funston, to approve Council Bill No. 2012'35, to approve the rezoning of the property located at 203 West 12th, from R-2 to C-3. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Funston, yea Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7415 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

ADOPT SECTION 705.580: LEAD BAN GENERAL POLICY, DRINKING WATER PLUMBING

The City Clerk presented a bill, Bill No. 2012'36 for an ordinance entitled:

An Ordinance Amending Chapter 705, of the Municipal Code of Maryville, by adding one Section Regarding Water and Sewer, Placing a Lead Ban in Public and Private Drinking Water Plumbing

The City of Maryville was provided an inspection report dated March 12, 2012, from the Missouri Department of Natural Resources (MDNR) for the Maryville Public water system. The purpose of the inspection was to determine the system's compliance with the Missouri Public Water Program Regulations. The inspection reviewed all eight (8) critical components of

a public water system. The City is working with PeopleService, Inc., and MDNR to correct any deficiencies found and implement recommendations from the inspection. It was identified that the City does not have a program prohibiting the use of lead in water system plumbing as required by Missouri Safe Drinking Water Regulation 10 CSR 60-10.040. The rule also requires all community water systems to develop programs to prohibit the use of lead within their water systems such as a Lead Ban Program, which would prohibit the use of lead materials throughout the public water system and the customer's private plumbing to protect residents from lead contamination. Therefore an ordinance was presented to the City Council to adopt such a program.

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 Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'36. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, 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. The adopted ordinance was identified as Section 705.580: Lead Ban, of Title VII. Public Utilities, Chapter 705: Water and Sewer, Article III: Connections.

CONTRACT WITH AVCO, INC., REMOVAL AND REPLACEMENT SHINGLED ROOF PROJECTS

The City Clerk presented a bill, Bill No. 2012'37 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with AVCO, Inc., for the Purpose of Removal and Replacement of Shingled Roofs on City Owned Structures, at Various Locations, Maryville, Missouri

On August 18, 2011, the City experienced a hailstorm that damaged many structures owned by the City. The City's insurance provider, Missouri Intergovernmental Management Association (MIRMA) was contacted and initial funding was received to begin repairs. Bids were received by six (6) contractors for the repair of approximately 1,200 roofing squares of shingled roofs, owned by the City. AVCO, Inc. was the lowest bidder to submit a complete bid packet, at a total bid price of \$253,640.00. The cost of these repairs will be covered by insurance proceeds.

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 Moss, seconded by Councilman Fall, to approve Council Bill No. 2012'37, to approve the contract with AVCO, Inc. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7417 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. 2012-21.

ACCEPTANCE OF PETITION TO ANNEX PROPERTY AT 315 CAREFREE DR., DOUBLE "B" DEVELOPMENT

The City Clerk presented a bill, Bill No. 2012'38 for an ordinance entitled:

An Ordinance to Acknowledge the Presentation of a Petition to Annex Certain Real Estate, Owned by Double "B" Development, LLC., Scheduling a Public Hearing on Said Petition Directing That Notice of Said Hearing be Published in the Maryville Daily Forum

A petition was received from Double "B" Development, to annex property located at 315 Carefree Drive. Upon acceptance of the petition, a public hearing will be scheduled for May 30, 2012, at which a fifteen (15) day time period will begin to persons to submit, in writing, any objections to the annexation.

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 Funston, to approve Council Bill No. 2012'38. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7418 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONTRACT WITH DOUBLE CHECK COMPANY, INC., FOR AIRPORT FUELING SYSTEM

The City Clerk presented a bill, Bill No. 2012'39 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Double Check Company, Inc., for the Purpose of Installing a 100LL AVGAS and Jet-A Fueling System, at the Northwest Missouri Regional Airport, Maryville, Missouri

The City of Maryville received funds from a State Block Grant Project No. 08-002A-1, which will provide the Northwest Missouri Regional Airport with a new 100LL AVGAS and Jet-A Fuel System. This project includes the installation of two (2) 10,000 gallon above ground fuel storage tanks, with related plumbing and electrical work, a self-service card reader, and installation of associated lighting, fencing and signage.

Two (2) bids were received, one from Double Check Co., for \$388,287.20 and the other from Seneca Companies, for \$474,642.96.00. Double Check Co. was recommended by the City Staff and Olsson Associates to be awarded the project. The City is required to match five percent (5%) of the cost, making the City's portion \$19,414.36.

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 Funston, to approve Council Bill No. 2012'39. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7419 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. 2012-22.

CONTRACT WITH PROFESSIONAL TURF PRODUCTS, L.P, TO PURCHASE TORO MOWER, MOZ. GOLF

The City Clerk presented a bill, Bill No. 2012'40 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Professional Turf Products, L.P., for the Purpose of Purchasing a 2010 Demo Toro Groundmaster 3500-D, for use by the Mozingo Golf Maintenance Department, Maryville, Missouri

The Mozingo Golf Maintenance Department was in need of a greens mower to replace the 1997 JD2653A that had been used for the past fourteen (14) years. Three (3) quotes were collected, being 1) John Deere 7400 Terrain Cut Trim and Surrounds Mower, at \$29,855.00; 2) 2010 Demo Toro Groundmaster 3500-D, with 220 hours, at \$29,939.03; 3) Toro Groundmaster 3500-D (new), at \$37,151.42.

After review, it was recommended by Staff to purchase the 2010 Demo Toro Groundmaster 3500-D for \$29,939.03. This product falls within the budgeted amount of \$33,200.00.

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 Fall, seconded by Councilman Funston, to approve Council Bill No. 2012'40. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7420 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. 2012-23.

2012 APPOINT/REAPPOINT MEMBERS TO THE MARYVILLE HOUSING AUTHORITY BOARD

Maryville Housing Authority Board Members Fran Houghton and Joe Hayes were scheduled to expire on May 31, 2012. Joe Hayes joined the Board in 2000 and has expressed his desire to serve another term. Fran Houghton however, passed away in March, of this year. Frank Myers has agreed to finish her term and serve a term for the next four (4) years. Mr. Myers' application was available for Council review.

Motion was made by Councilman Funston, seconded by Councilman Moss, to reappoint Joe Hayes and appoint Frank Myers to a four (4) year term of the Maryville Housing Authority Board. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

REPORTS

I. City Manager

- The Request for Proposals (RFP) on the 2012 Asphalt Milling & Overlay Project has been released and an optional pre-bid meeting will be held on Wednesday, May 16, 2012 at 10:00 a.m. Sealed bids on the project are due by 10:00 a.m. on Wednesday, May 30, 2012.
- The Request for Qualifications (RFQ) for professional engineering/design services on the Munn Avenue Street Replacement Project has been released. The project will consist of a complete reconstruction of Munn Avenue from West South Avenue to West South Hills Drive/State Highway "V" as a part of the City's Capital Improvement Program. Proposals will be accepted until Tuesday, May 29, 2012 at 10:00 a.m.
- A draft of the STIP for fiscal years 2013-2017 has been release for public comments by the Missouri Department of Transportation. The STIP, prepared annually, outlines the specific construction projects MoDOT will undertake in the next five years. The two projects scheduled for Nodaway County are as follows: 1) US 71 Hwy - Resurface roadway from Bus. 71 north intersection to south of Rte. V in Maryville. (2014-2015), and 2) RT C – Replace bridge deck over Mill Creek, 0.7 miles east of Rte. YY, near Elmo (2013-2014)
- Mr. Hooker has completed the removal of four (4) residential homes according to the agreement approved by the City Council on March 29th. According to the agreement, the property owner will remove a total of seven structures by July 10, 2012.
- The City received \$88,000 in Home Repair Opportunity (HeRO) program funds from the Missouri Housing Development Commission (MHDC) for 2012. The HeRO Program provides funding to meet the needs of home repairs for low and moderate income homeowners in the city limits of Maryville. An informational meeting was held on May 3rd and the City has received eight (8) applications for funding. Once additional information is received from the applicants and they are qualified, the inspection process will begin. Pending results from inspections, it appears the funds available will allow four (4) homes to be repaired this year.
- At the City Council Meeting on January 23, 2012, presentations were provided to the Governing Body regarding options for the City's insurance coverage. Following presentations, the council requested that staff further research the issue and continue the conversation in May 2012. The Council decided to continue with the current provider.
- The City of Maryville has been recognized as earning the Tree City USA designation once again by the National Arbor Day Foundation. Qualifying cities must have an active, well-funded tree maintenance program and designated staffers to carry out the program. This is the fourteenth (14) time Maryville has earned the designation.
- The City is soliciting statements of qualifications from airport consultants for upcoming projects within a five year period at Northwest Missouri Regional Airport. Services will only be provided for projects that are approved and funded under the FAA Airport Improvement Program through the Missouri Department of Transportation. The selected consultant will likely proceed with engineering services for an airport pavement rehabilitation and maintenance project.
- The City of Maryville has provided N.R. Hamm Quarry, Inc. with a required 120 day notice to cancel the current contract for hauling and disposal of solid waste from the Maryville Transfer Station. The service will be rebid in June with a new contract beginning in early August. N.R. Hamm Quarry, Inc. has been encouraged to resubmit a proposal, along with several other companies.
- On April 23rd, 2012, the City Council approved an ordinance to modify Section 220.150: User Fees of the Municipal Code adjusting tipping fees at the solid waste transfer station. The ordinance shall be effective June 4, 2012, and user fees are amended as follows:
 - \$54.00 per ton which includes the State of Missouri fee
 - Minimum per load fee of \$26.25 for any vehicle depositing less than 1,000 pounds

- Due to observance of Memorial Day on May 28th, the next regular City Council meeting will be held on Wednesday, May 30th at 7:00 p.m. in the City Council Chambers at City Hall.

II. Council Members

- It was noted that the Nodaway County Enhanced Enterprise Zone (EEZ) Board was noted by the past City Manager and that an appointment of a new representative was necessary. A motion was made by Councilman Moss, seconded by Councilman Fall, to appoint City Manager Greg McDanel as the City Representative of the EEZ Board. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Moss, yea. Motion carried.
- Mayor Jonagan shared a brochure received from Dr. John Jasinski, celebrating the accomplishments made in the past year, at Northwest Missouri State University.

EXECUTIVE SESSION

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

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.

Motion was made by Councilman Jackson, seconded by Councilman Fall to come out of executive session. 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.

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 Funston, yea; Mayor Jonagan, yea. Motion carried. Meeting was adjourned.

Glenn Jonagan, Mayor

ATTEST:

Sheila Smail, City Clerk