

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

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 23, 2012, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING**

Mayor Jonagan opened a Public Hearing to hear from those present regarding the proposed preliminary and final plat for the development of the proposed Southview Apartments to be located in the 1800 block of South Main Street, just south of the Walmart Supercenter.

Mr. Pete Ramsel, Developer, explained that the plans for the Southview Development, includes 40 apartment units. There will be thirty-two (32), three (3) bedroom units and eight (8), two (2) bedroom units. An afterschool program will be available with a qualified tutor on staff.

With no further discussion, 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 Jonagan, Council Members Ronnie Moss, James Fall, Renee Riedel, and Jeff Funston. 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.

Motion was made by Councilman Funston, seconded by Councilman Fall, that the agenda be approved as presented.

Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

**CITIZENS TO BE HEARD**

Mayor Jonagan 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.

Luke Reven, 320 North Dunn Street, Director of the Greater Maryville Chamber of Commerce, thanked the City for their assistance in the Nodaway County Fair Parade, held Saturday, July 19, 2012. Mr. Reven suggested the use of temporary trash barrels be used to cut down on the trash thrown down along the parade route.

Michael Graham, 1018 South Dunn Street, inquired about the reason the City allows 19 and 20 year olds to enter the local bars, when they are not permitted to drink alcohol.

Dir., Public Safety Keith Wood responded by saying that the State had no limitations on the age one must be to enter a bar, even though there is a minimum age of twenty-one (21) for any person to purchase and/or consume alcohol in the State of Missouri. In the early 1990's, the City performed a study to determine age limitations for individuals to enter in, or be upon the premises of any licensee holding a liquor by the drink license or a consumption of liquor license. An ordinance was passed making it unlawful for any person under the age of nineteen (19) years to enter in, be upon the premises of, or to linger or loiter in or about the premises of any licensee holding a liquor by the drink license or a consumption of liquor license, except any such person under the age of nineteen (19) years of age may be on such premises if accompanied by his/her parent or legal guardian.

Mayor and Council Members asked Dir., Public Safety Keith Wood to gather information regarding what the age requirements are for entering bars in other college towns and report back. Depending on the report, the City Council will determine whether the ordinance remains suitable or whether changes are needed.

**LEADERSHIP MARYVILLE REQUEST FOR SUPPORT**

Dee Blackford, 2011-12 Leadership Maryville class member, explained that the 2012-13 Leadership Maryville Classes will beginning this fall and requested that the City support the efforts as in years past. Ms Blackford provided a budget for the coming year and explained the benefits of sponsoring the events. In the past years, the City has provided support in the amount of \$700.00. The Council was asked by Ms Blackford to consider an increase of the contribution by paying an additional one

hundred dollars (\$100) if the membership for 2012-13 is between sixteen (16) and twenty (20) and another one hundred dollars (\$100) for signing twenty-one (21) to twenty-five (25) members.

Motion was made by Councilman Fall, seconded by Councilman Moss, that the City support the Leadership Maryville academy at the budgeted amount of \$700.00, with the increase of contribution of one hundred dollars (\$100) if the membership for 2012-13 is between sixteen (16) and twenty (20) and another one hundred dollars (\$100) for signing twenty-one (21) to twenty-five (25) members. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea, Councilman Fall, yea, Councilwoman Riedel, yea, Mayor Jonagan, yea. Motion carried.

**REQUEST TO HOLD THE 6<sup>th</sup> ANNUAL MINI TRIATHLON, MARYVILLE PARK AND RECREATION**

The Maryville Park and Recreation Department has made a request to hold the 6<sup>th</sup> Annual MAC Mini Triathlon Event, proposed to be held on Saturday, August 4, 2012, beginning at 7:30 a.m. and concluding at approximately 10:00 a.m. The first leg of the race will begin at the Maryville Aquatic Center which will consist of a swimming competition, followed by biking to the Northwest Missouri State University, returning to the Aquatic Center by the same route. The final leg of the race, participants will run a specified route that will again return the participants to the Maryville Aquatic Center.

The Maryville Park and Recreation Department requested the use of 4-way stop signs and slow/caution signs for the busy intersections along the routes. Volunteers will be available at some locations to assist with traffic control.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to approve the request to hold the 6<sup>th</sup> Annual MAC Mini Triathlon as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

**REQUEST TO HOLD ANNUAL WATER FIGHT, LAURA ST BAPTIST CHURCH**

Laura Street Baptist Church, requested permission from the City Council to hold their annual water fight for their youth. This year the event was requested to be held on South Laura Street, between East 1<sup>st</sup> Street and East Thompson Street, as well as East Jenkins Street, between South Alvin and South Mattie Street, on Friday, August 10, 2012, with streets closed from 4:30 p.m. until 9:00 p.m.

Motion was made by Councilman Fall, seconded by Councilman Moss, to approve the annual youth water fight, as presented. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

**REAPPOINTMENT OF MEMBERS TO THE PARK AND RECREATION BOARD**

Board Members Corey McVinua, Teri Harr, and Kim Walker's terms were set to expire July 1, 2012. Members Corey McVinua and Kim Walker agreed to serve another three (3) year term on the Park and Recreation Board.

Motion was made by Councilwoman Riedel, seconded by Councilman Fall to reappoint Members Corey McVinua and Kim Walker for another three (3) year term on the Park and Recreation Board. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

The Board continues to look for a replacement for the position held by Teri Harr, who recently moved from the Maryville area.

**“NO PARKING” IN DISTRICT SOUTH OF UNIVERSITY OVERLAY DISTRICT**

The issue related to parking along city streets in the South University Overlay District, of Maryville was reported to be still an option to resolving problems related to zoning and residential housing being converted to multi-tenant housing. Staff is focusing on the implementation of the application process of registration for non-conforming use properties. Staff continues to look at the parking issues and is in the process of developing a targeted survey to gain detailed needs of property owners in the area of the University Overlay District. Staff and Council Members agree that the parking in these areas may need to be addressed in the near future.

**PARTNERSHIP WITH NWMSU FOR MOZINGO LAKE AND GOLF COURSE BRANDING AND ADVERTISING**

City Manager McDanel reported that staff has been analyzing outside consultant options for a project to rebrand and further advertise Mozingo Lake Park and Golf Course. It is believed that Mozingo has suffered from a fragmented approach with marketing materials, branding, signage, and website functionality. A recent hotel feasibility study by IDM supported staff findings and necessity for the remarketing of Mozingo amenities.

During internal budget discussions for the issue, staff was approached about a potential partnership from Jacquie Lamer, class instructor for the Advanced Advertising Strategies course at Northwest Missouri State University. Mrs. Lamer has proposed a cooperation whereby the senior-level advertising class will research and prepare recommendations for the rebranding of Mozingo Lake and Mozingo Lake Golf Course as the fall semester project. The class has been successful offering real client services for the past nine years and is taught by Mrs. Lamer, a successful former advertising and marketing

professional. The class would begin on August 29th with final concepts pitched to the Mozingo Advisory Board and City Council in December. The potential list of outcomes of the project could include primary research, logo concepts, taglines, advertisements, media planning, social media, events, and web design and marketing concepts.

The total project is estimated under \$1,000 for class travel, research, and presentation materials. It is anticipated that the city will hire a professional marketing consultant after the completion of the course to assist with the implementation and continuation of the efforts.

**APPROVAL OF PRELIMINARY/FINAL PLAT OF SOUTHVIEW APARTMENTS, 1819 SOUTH MAIN STREET**

The City Clerk presented a bill, Bill No. 2012'62 for an ordinance entitled:

**An Ordinance to Approve the Preliminary/Final Plat of Southview Apartments, an Addition to the City of Maryville, Nodaway County, Missouri, and Authorizing the City Clerk to Endorse Approval of the Council on the Plat**

An application was received for the development of a Planned Unit Development, from Volunteer Management and Development Co., Inc. of Jackson, Tennessee. The proposal is for development of a 40-unit apartment complex located in the 1800 block of South Main Street. The development will consist of two, 16-unit complexes; one, 8-unit complex with a community building. Plans for the project provide 2 and 3-bedroom apartments and will contain a mix of low-income and market rate units.

A review of the site and infrastructure plans has verified that they meet all specifications and ordinance requirements. Infrastructure requirements include a new 8-inch water main to service the complex and to allow for future development in this area; an 8-inch sewer main already exists at the edge of the property. This main already provides the capacity needs for the complex and no further upgrade will be required. A new twenty-eight foot (28') wide concrete street will be constructed to allow access to the development from S. Main Street. It will dead end on the property, but will allow for future extension of the street to the east. The developer agreed to donate the right-of-way to the City for this purpose. There will also be an access point built into the street for the vacant lot located just west of the development. A new stormwater basin will be installed and will remain the maintenance responsibility of the developer. Building plans are being reviewed by the Code Enforcement Department.

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. 2012'62, to approve the preliminary/final plats of the Southview Apartments. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7439 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**APPROVAL OF A CONTRACT WITH DEFFENBAUGH INDUSTRIAL, INC, FOR HAULING SOLID WASTE**

The City Clerk presented a bill, Bill No. 2012'63 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Deffenbaugh Industries, Inc., for the Purpose of Providing Hauling Services of Solid Waste from the Maryville Transfer Station to a Certified Solid Waste Disposal Site**

The City of Maryville currently contracts with N.R. Hamm Quarry, Inc. for the hauling and disposal of solid waste from the city's transfer station to an approved state landfill. The contract began in 1999, and has steadily increased with the Consumer Price Index (CPI) from the initial \$24.41 for each ton of solid waste to the current \$32.92 per ton, with a fuel surcharge fee. The total cost of the service fluctuates annually based on tonnage. On April 12, 2012, N.R. Hamm Quarry, Inc. was provided the required 120 day notice to cancel the current agreement and proceeded to rebid the service. Quotes were received by three (3) bidders, N.R. Hamm Quarry, Inc.; Deffenbaugh Industries, Inc.; and Iowa Waste Systems, Inc.

In FY 2012-2013, staff estimates annual tonnage at the transfer station will decrease, to approximately ten thousand (10,000). The selection of low bidder, Deffenbaugh Industries, Inc., will allow the City to save approximately \$30,000 annually on the hauling of solid waste in the transfer station budget, compared to the current contract. The proposed four (4) year contract shall automatically renew each year thereafter for an additional one (1) year period. Either party may cancel the contract with one hundred twenty (120) days notice prior to the expiration date.

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. 2012'63, to approve a contract with Deffenbaugh Industries, Inc., for hauling of solid waste from the transfer station. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7440 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and identifying the agreement as Contract No. 2012-32.

#### **MEMORANDUM OF UNDERSTANDING WITH SCHOOL DISTRICT, SCHOOL RESOURCE OFFICER**

The City Clerk presented a bill, Bill No. 2012'64 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Understanding with the Maryville R-II School District, Related to Extended Services by the City Providing a School Resource Officer for Public Schools, Maryville, Missouri**

The City of Maryville has partnered with the Maryville R-II School District in a School Resource Officer (SRO) Program for the last 10 to 12 years. The program provides a Maryville Officer to be assigned exclusively to Maryville R-II Schools for the duration of the school year. About two (2) years ago, our then SRO resigned and a decision was made to no longer fund that assignment / program. The school district desired to continue the program and the parties came to a financial agreement to sustain the program. At that point a Memorandum of Understanding (MOU) was drafted and approved by respective legal counsel and governing bodies. Approximately seventy-five percent (75%) of the SRO's salary and benefits is recouped from Maryville R-II School District, under this agreement. The percentage reflects the amount of time allocated from that Officer's total hours spent in that assignment. The remaining twenty-five percent (25%) occurs in the summer season where the Officer is employed under the Mozingo Lake Patrol division.

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. 2012'64, to approve the Memorandum of Understanding with the Maryville RII School District in providing a School Resource Officer for the Public Schools. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7441 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and to identify the agreement as Contract No. 2012-33.

#### **APPROVE PURCHASE OF CHASSIS BRUSH TRUCK, MARYVILLE PUBLIC SAFETY-POLK TWP**

The City Clerk presented a bill, Bill No. 2012'65 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 2013 Chevrolet K3500 Chassis for a Brush Truck Apparatus, to be Co-owned with Polk Township Fire District, Nodaway County, Missouri**

The Capital Improvement tax plan approved by Resolution No. 534 on March 24, 2008, included a new Fire Division Brush Truck to be purchased and co-owned with Polk Township Fire District. The City of Maryville solicited bid requests for the purchase of the chassis for which the remainder of the apparatus / equipment will be built. Bids were received from three (3) companies, being West Brothers Dodge, Boyles Motors, and Tri-State Ford. Staff met with the Polk Township Fire Board to review and discuss the bids. The bid from West Brothers Dodge was disqualified for not meeting specifications of for a minimum GVW of 12,800 lbs. The Polk Board then voted to accept the Boyles Motors bid, with the addition of \$233.75 for 3 bid options (Off road skid plate, \$127.50, Fuel fill kit for service body application, \$42.50 and upgrade 160 amp alternator, \$63.75), for a total purchase price of \$26,912.21.

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 Funston, seconded by Councilman Fall, to approve Council Bill No. 2012'65, to approve the purchase of a co-owned brush truck chassis fire truck with Polk Township Fire Department. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7442 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and identify the agreement as Contract No. 2012-34

#### **APPROVE CONTRACT WITH PIPER JAFFRAY, TO PROVIDE CITY FINANCIAL ADVISORY SERVICES**

The City Clerk presented a bill, Bill No. 2012'66 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 Advisory Services, Maryville, Missouri**

Requests for Qualifications for financial advisory services to serve as the City's consultant on debt financing projects, provide independent financial advice, and manage the bond financing process. Proposals were received from three firms, being First Southwest, Springsted, and Piper Jaffray. Selection criteria included the reputation and experience of the firm, qualifications of staff to be assigned, how well the responses stated an understanding of the work to be performed, accessibility and availability of individuals, and compensation.

The City has built a solid working relationship over the years with Piper Jaffray, who is already familiar with the City and its financial operations. They provide an in-depth and timely knowledge of market conditions; have underwriting-side experience which gives them market insight not available to all firms; and as a national firm with regional expertise, can offer the most pertinent up-to-date market advice. Based on this, along with their lower fees, it was recommended to approve the ordinance to execute a contract with Piper Jaffray for financial advisory services for a three (3) period, with the option to extend the contract for up to two (2) additional one (1) year periods.

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. 2012'66, to enter into an agreement with Piper-Jaffray, for financial advisory services. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea Councilman Moss, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7443 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and to identify the agreement as Contract No. 2012-35.

#### **APPROVAL OF CONTRACT TO DEMOLITION RESIDENTIAL STRUCTURES, OWNED BY HOOKER**

The City Clerk presented a bill, Bill No. 2012'67 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Madget Demolition, Inc., for the Purpose of Providing Demolition Services for Residential Structures on Properties Located at 311 W. 7<sup>th</sup> Street, 518 East 1<sup>st</sup> Street, and 222 South Main Street, Maryville, Missouri**

The City of Maryville entered into an agreement on April 9, 2012 with Tom Hooker for the demolition of seven (7) residential structures owned by Mr. Hooker. These structures had been tagged as "Dangerous and Unsafe" buildings through Chapter 530 of the municipal code. Under the agreement, Mr. Hooker was required to remove all residential structures on the properties by July 10, 2012. The properties included in the original agreement were 824 N. Main Street (removed), 816 N. Main Street (removed), 103 W. 7<sup>th</sup> Street (removed), 111 W. Thompson Street (removed), 311 W. 7<sup>th</sup> Street, 518 E. 1<sup>st</sup> Street, and 222 S. Main Street.

The removed structures were removed by utilizing funds from a municipal court bond held by the city for Mr. Hooker. Since the removal of these structures, the deadline has passed and three (3) unsafe buildings remain. On July 11, 2012, staff proceeded to request bids from demolition contractors for the remaining structures. Bids were received from six (6) contractors, with Madget Demolition, Inc., coming in as the overall low bidder at \$26,420. Approximately \$9,000, remain in the municipal court bond which will be used toward the demolition with the remaining balance being drawn from the unreserved general fund balance.

The agreement executed between the City and Mr. Hooker grants the City the authority to enter upon the properties for the demolition of unsafe buildings, should his duties not be fulfilled within the agreed time period. After demolition of the remaining structures by the contractor, the city attorney will begin cost recovery procedures on this 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 Moss, seconded by Councilwoman Reidel, to approve Council Bill No. 2012'67, to enter into an agreement with Madget Demolition, Inc., to demolish the structures at 518 East 1<sup>st</sup> Street, 311 West 7<sup>th</sup> Street and 222 South Main Street. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7444 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and to identify the agreement as Contract No. 2012-36.

#### **CONTRACT WITH HOUSTON POLYTANK, PURCHASE AND INSTALLATION OF POLY TANK, WTP**

The City Clerk presented a bill, Bill No. 2012'68 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Houston Polytank for the Purchase and Installation of a New Poly Tank at the Maryville Water Treatment Plant, Maryville, Missouri**

PeopleService, Inc. has been dealing with numerous repairs to one of the poly tanks at the water plant over the past couple of years and is now inoperable. The poly tank is a vital piece in the production process of water and without the poly tank in operation over an extended period of time, major issues would occur in meeting the water demand for the City of Maryville.

Houston Polytank, in Hopkins, MO, has quoted \$6,885 for the tank and installation. The tank is not a budgeted item, but through discussions with the Finance Director and City Manager we feel the replacement is urgent and the funding is available in the water fund. The competitive bid process has been waived upon City Manager approval according to the purchasing policy as this is considered an emergency purchase.

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 Funston, seconded by Councilman Fall, to approve Council Bill No. 2012'68, to approve the purchase and installation of a new poly tank at the Water Treatment Plant. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7445 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and to identify the agreement as Contract No. 2012-37.

#### **NODAWAY CONTRACTING, CONTRACT LABOR, STORMWATER UPGRADE OF PEACH CREEK**

The City Clerk presented a bill, Bill No. 2012'69 for an ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Nodaway Co., for the Purpose of Purchasing Contract Labor Regarding Storm Water Upgrades Along Peach Creek, Phases III and IV, Maryville, Missouri**

Residents of the City of Maryville have been dealing with stormwater issues along the Peach Creek corridor for many years. Staff has discussed and solicited quotes from local firms to assist the City with equipment and labor to excavate, grade, and clean out the south end of the Peach Creek channel to allow storm water to properly flow through the corridor. Due to the

scope of the project, staff has suggested performing phased improvements as staff time and funds allow. Currently the city has completed Phases I and II of the drainage improvements, which focused on improving storm water flow near South Hills Drive. The project was done with city staff and hiring additional equipment and labor from Nodaway Contracting.

The Phase III improvement will consist of straightening the channel at an “S” curve just north of the current project. At this location, storm water has eroded the banks of the channel and is continuing to erode near private property. Phase IV improvements are planned to enlarge the capacity of a retention basin on the east side of Peach Creek. Often during high storm water events, this collection area does not have proper storage and causes flooding onto private property.

Because these projects are being performed as additional equipment and labor for on an hourly basis, and dependent upon the availability of city staff, quotes from local contractors with the appropriate equipment have been obtained. Quotes were obtained as follows in not-to-exceed amounts of Loch Sand & Construction Co., \$16,870, \$13,920, \$30,700 and Nodaway Contracting Co. \$5,400 \$10,800 \$16,200. The item is unbudgeted, but staff requests permission to select Nodaway Contracting Co. in an amount not-to-exceed \$16,200 for both phases. The projects are anticipated to be split between funds remaining in the current CIP for storm water and the remaining street department budget, more specifically the street striping line item.

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 Councilwoman Riedel, to approve Council Bill No. 2012’69, to approve the contract with Nodaway Contracting for stormwater upgrades on Peach Creek. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea Councilman Moss, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7428 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and to identify the agreement as Contract No. 2012-38.

## **REPORTS**

### **I. City Clerk**

- The 2012 Missouri Municipal League Conference is scheduled for September 17 - 20, 2012, at Tan-Tar-A Resort. Anyone interested in attending was asked to complete the form provided and submit it to the City Clerk.

### **II. City Manager**

- *Council Planning Session* – The City has hired The Novak Consulting Group to facilitate a council retreat for the City of Maryville. The session will focus on articulating goals and reaching consensus on council priorities. The half-day retreat will be held July 24th at 8:00 a.m. followed by a similar half-day session with department heads and management staff.
- *Public Safety LPR Grant Award* –The Public Safety Department has applied for and received a grant for an Automated License Plate Reader (LPR). The value of this grant is approximately \$20,000. The LPR will actively run license plates “in the background” while the vehicle is patrolling or sitting roadside. If/when it runs a plate related to a want or warrant it will alert the Officer. The LPR will also be useful for special events and other times that we have a large volume of out-of-town traffic, to monitor and help record who is present in the event an incident occurs. The grant was awarded as a part of the MO DPS Law Enforcement Terrorism Prevention effort and is administered by the Missouri Police Chiefs Association.
- *Local Burn Ban* –One of three (3) open burn periods per year was scheduled to have begun on July 17th. Due to extreme dry and hazardous conditions, a burn ban was imposed to suspend the open burn period. The ban will be in effect until further notice. The next open burn period is scheduled to begin October 24th and run thru November 6th. These dates will be taken under consideration as they approach as well as other dates if circumstances permit.
- *South Depot Improvement Project (1st Street to Halsey)* – The City of Maryville is proceeding with the complete reconstruction of South Depot from 1st Street to Halsey. Engineering on the project is now complete and the project is out for bid. Bids will be received until August 14th at 1:00 p.m. local time. The proposed improvements include demolition and removal of the existing roadway, construction of a concrete roadway with curb and gutter, installation of a storm sewer system, reconstruction of commercial and residential driveways, waterline relocation and other related items.

- *Brush Chipping at Transfer Station* –City staff hired Braik Brothers to grind a substantial wood pile located on the north side of transfer station. The pile had accumulated enough material to jeopardize further acceptance of brush at the facility. The brush collection included storm debris from last August and normal collection throughout the year. Grinding produced approximately 100 cubic yards of useable chips that can also be ground to a smaller size for utilization at Mozingo Park or Maryville Parks and Recreation facilities.
- *Non-Conforming Use Registration* –According to newly adopted Ordinance No. 7433, all non-conforming use property must register within one hundred twenty (120) days after any zoning ordinance passed by the City Council by which they are affected. The City shall also provide affected property owners fifteen (15) days notice after such zoning ordinance change. In response to Ordinance No. 7433, staff has sent a notification letter to seven hundred ninety-three (793) property owners that fall within the newly created zoning overlay districts. Notifications for the districts, maps, and a non-conforming use application packet are also available at [www.maryville.org](http://www.maryville.org).

### **III. Council**

- A compliment from a Maryville citizen, regarding the professionalism of the way the City Manager handle an issue, was shared.
- Councilwoman Riedel offered to assist with a booth for Mozingo, at the Merchants Fair, August 25, 2012.

### **ADJOURNMENT**

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

---

Glenn Jonagan, Mayor

ATTEST:

---

Sheila Smail, City Clerk