

**Maryville City Council
Regular Scheduled Meeting
February 11, 2013
7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, February 11, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

ROLL CALL

The meeting was called to order by Mayor Jonagan and roll was called by the City Clerk, with the following present to-wit: Mayor Glenn Jonagan, Council Members James Fall, Renee Riedel and Jeff Funston. Council Member Ronnie Moss was not present. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland, City Attorney Doug Thomson; Dir., Finance Denise Town; and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jonagan led the pledge to the flag.

INVOCATION

Mayor Jonagan gave the invocation.

APPROVAL OF THE AGENDA

Mayor Jonagan requested any changes needed to the agenda, be noted at this time. No changes were noted.

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

APPROVAL OF MINUTES

Mayor Jonagan requested any changes needed to the minutes of Council meetings held January 14, 16, and 28, 2013, be noted at that time.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, that the minutes be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Councilwoman Riedel, 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 on the agenda. Any persons wishing to speak were requested to come forward and state their name and address for the record. No persons appeared to be heard.

TREASURER'S REPORT

During the month of January 2013, receipt of funds were from the lawsuit settlement for atrazine in drinking water (\$302,309.07); Build America Bonds, interest subsidy from the Internal Revenue Service, (\$21,109.04); property tax distribution from Nodaway County (\$729,711.75); and property tax distribution from Nodaway County for TIF PILOT's (\$124,457.10).

Nonrecurring bill to be paid included, HDR Engineering for wastewater treatment plant (\$91,403.17); SK Design Group for South Munn Ave engineering (\$36,848.09); SK Design Group, for West 4th Street Engineering (\$24,600.00); Hochschild Bloom & Company, for audit services process billing for fiscal year 2012 (\$26,200.00); and Loch Sand and Construction Company, for South Depot Street Project (\$86,439.41).

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

PAYMENT VENDOR SCHEDULE

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

ORDINANCE TO EXECUTE A CONTRACT WITH R/S ELECTRIC CORP., FOR EMERGENCY TROUBLESHOOTING AND MATERIAL REPLACEMENTS AT THE MARYVILLE WATER TREATMENT PLANT

The City Clerk presented a bill, Bill No. 2013'06 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with R/S Electric Corp, for the Purpose of Emergency Troubleshooting and Material Replacements at the Maryville Water Treatment Plant, Maryville, Missouri

On October 24, 2012 the Maryville Water Treatment Plant experienced significant Programmable Logic Controller (PLC) and power supply issues. PeopleService, Inc. and City staff attempted to resolve the issue which required emergency services from R/S Electric Corp. for PLC troubleshooting and materials. The replacement equipment was installed on October 28th allowing no immediate disruption to the distribution of water.

Staff recommended the Council approve the proposed ordinance and authorize execution of a contract with R/S Electric Corp. to pay the total materials and labor provided by R/S Electric from the malfunction resulted in a total expenditure of twenty-one thousand two hundred seventy-one dollars and four cents (\$21,271.04). Repairs were deemed an emergency purchase by City Staff and PeopleService, Inc. to ensure continuous supply of water to the community.

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, that Council Bill 2013'06, be approved, for the payment of twenty-one thousand two hundred seventy-one dollars and four cents (\$21,271.04), for materials and labor provided by R/S Electric Corporation for Programmable Logic Controller (PLC) and power supply issues. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7492 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No. 2013-02.

ORDINANCE TO EXECUTE A CONTRACT WITH R/S ELECTRIC CORPORATION, PROVIDING ETHERNET COMMUNICATIONS FOR A BACK-UP SYSTEM COMPUTER AT THE MARYVILLE WATER TREATMENT PLANT

The City Clerk presented a bill, Bill No. 2013'07 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with R/S Electric Corp, for the Purpose of Providing Ethernet Communications for a Back-Up System Computer at the Maryville Water Treatment Plant, Maryville, Missouri

PeopleService, Inc. and City staff has attempted to identify back-up solutions to ensure the emergency situation does not repeat itself. R/S Electric Corp has proposed installing Allen Bradley components to provide for Ethernet communications between the existing Data Highway (DH+)/PLC System and a new back-up system computer.

The quote provided by R/S Electric totals \$6,400.00 and includes installation of all necessary equipment, programming, and onsite technician support.

Staff recommended to the Council approval of the proposed ordinance and approval of a contract with R/S Electric Corp. in an amount not to exceed \$6,400.00 for providing Ethernet communications to the back-up system computer at the Maryville Water Treatment Plant. The project was deemed an emergency by City Staff and PeopleService, Inc., to ensure continuous supply of water to the community. The project will also ensure future system failures will not require emergency repair and labor bills.

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, that Council Bill 2013'07, be approved, for the payment of twenty-one thousand two hundred seventy-one dollars and four cents (\$21,271.04), for materials and labor provided by R/S Electric Corporation for Programmable Logic Controller (PLC) and power

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

Said bill was then numbered Ordinance No. 7493 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No. 2013-03.

TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT FOR THE FOURTH STREET IMPROVEMENT PROJECT, PROJECT NO. STP 4303(101)

The City Clerk presented a bill, Bill No. 2013'08 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri , to Execute an Agreement with the Missouri Department of Transportation, for the Purpose of Providing Transportation Enhancement Funds, for STP-4303(101), Fourth Street Improvement Project, Maryville, Missouri

The City of Maryville was notified by the Missouri Department of Transportation (MoDOT) on January 8, 2013 that the Transportation Enhancement (TE) Committee had selected the City's application for enhancement funds for the Fourth Street Improvement Project. Transportation Enhancement Funds are typically used for pedestrian/trail improvement projects in Missouri. The proposed project seeks to enhance a six (6) block area between downtown and Northwest Missouri State University (NWMSU).

Engineering is underway and improvements to the corridor will include construction of an eight (8) foot wide concrete walking and biking path along the north side, a new five (5) foot concrete sidewalk on the south side, replacing numerous deteriorated curb & gutter sections, providing new ADA compliant ramps and detectable warning strips at crosswalks, decorative historic black streetlight poles with acorn fixtures, sections of stamped colored concrete, new modular block retaining walls and handrails, proper utility adjustments, landscaping, extension of the State of Missouri Arboretum located on the university campus, asphalt mill & overlay of Fourth Street, construction of a "T" intersection at Dunn Street to improve vehicular and pedestrian safety, benches, trash receptacles, and public art.

The Transportation Enhancement program agreement provides a federal share of the total project at 13.5%, in an amount not to exceed two hundred forty thousand dollars (\$240,000). The City of Maryville applied for the maximum allowable funds of \$240,000, to be used for the Labor/Construction category of the project budget. The total cost estimate for the project used in the application was one million seven hundred eighty-three thousand thirty-four dollars (\$1,783,034.00), which includes design and construction engineering. The actual project amount and scope will be determined during final design.

This project is applicable to the Maryville Comprehensive Plan, in regard to the Transportation Policies; Policy Statements, Transportation; Development Framework and Balanced Transportation, Collector System.

Staff recommended that the City Council approve the ordinance to enter into the Missouri Highways and Transportation Commission Transportation Enhancement Funds Program Agreement for the Fourth Street Improvement Project, Project No. STP-4303 (101).

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 Councilwoman Riedel, seconded by Councilman Fall, to approve Council Bill No. 2013'08, to enter into an agreement with Missouri Highways and Transportation Commission for a Transportation Enhancement Funds Program Agreement for the Fourth Street Improvement Project, Project No. STP-4303 (101). Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7494, and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The agreement was identified as Contract No 2013-04.

AN ORDINANCE REAFFIRMING GROSS RECEIPTS TAX TO BE IMPOSED ON ELECTRIC CORPORATIONS IN MARYVILLE

The City Clerk presented a bill, Bill No. 2013'09 for an ordinance entitled:

An Ordinance Reaffirming Gross Receipts Tax to be Imposed upon Electric Corporations Conducting Business within the City and Matters Related Thereto

The Missouri Public Service Commission (PSC) recently approved a rate increase for Kansas City Light & Power (KCP&L). RSMo 393.275 provides that should the PSC approve a rate increase of more than 7 percent, the PSC must notify cities imposing a gross receipts tax on electric companies that cities must roll back their gross receipts tax within 60 days of the effective date. However, RSMo 393.275.2 provides that cities may opt out of the roll back by adopting an ordinance to that effect.

According to KCP&L's Compliance Filing with the PSC, the 10.84% rate increase will result in additional revenue of approximately sixty-five thousand six hundred seventy-five dollars (\$65,675) for the City of Maryville based on its 2012 gross receipts tax.

It was recommended to the City Council to approve the proposed ordinance to maintain the City's five percent (5%) gross receipts tax on electric companies.

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. 2013'09, to maintain the City's five percent (5%) gross receipts tax on electric companies. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

2008 JOHN DEERE, 315 SKID LOADER PURCHASE, MOZINGO RECREATION PARK GOLF MAINTENANCE DEPARTMENT

The Golf Maintenance staff has been researching the available options and pricing equipment. Recently, a 2008 John Deere 315 Skid Loader was located at Barker Implement in Clarinda, Iowa. Staff learned that the equipment had been placed in an online auction to occur on February 12, 2013. The skid loader is of higher quality than the other pieces of equipment. It has only 355 hours of use compared to 3,616 hours for the next closest machine. Staff recently visited Barker Implement and was able to inspect and test drive the skid loader discovering it is in excellent condition.

The Maryville Procurement Policy states that requirements for proposals and competitive bid may be waived, upon City Manager approval, if the items can only be acquired from a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered.

The current situation is unique in that the best equipment available has been placed in an online auction. As a result, written confirmation of a price and competitive bids are not possible for this equipment. In an effort to obtain the best equipment available within the budget, staff requested of City Council to approve a "not to exceed" amount of eighteen thousand five hundred dollars (\$18,500) to allow the opportunity to bid on the equipment in an online auction.

The FY 2013 budget contains eighteen thousand five hundred dollars (\$18,500) for the Golf Maintenance department to purchase a used skid loader. Should the City win the auction for the equipment, payment would be made directly to Barker Implement.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to approve an on-line bid not to exceed \$18,500, for the purchase of a 2008 John Deere Skid Loader. Upon roll being called the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7495, and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPORTS

Student Liaison

- *Not available to report*

City Manager

- *Student Forum on Bar Age Admittance* – The Northwest Missouri State University (NWMSU) Student Senate will be hosting a student forum on the bar age admittance issue March 4, 2013 at 6:00 p.m. The meeting will be held in the Station Conference Center on the NWMSU campus and will provide students the opportunity to discuss the issue with the Maryville City Council. The meeting will be an open regular meeting of the City Council, yet designed to gain input from students on the proposal to change the bar admittance age from 19 to 21 years old.
- *Great Northwest Day at the Capitol* – The Great Northwest Days at the Capitol was held February 4th and 5th in Jefferson City. The event exists as a cooperative effort by Northwest Missouri communities to unify and enhance the region’s image in Jefferson City and to pursue issues and legislation beneficial to the “Great Northwest”. The day was well attended by members from the region and facilitated by Leadership Northwest Missouri, a regional leadership development program for community leaders in Northwest Missouri.
- *2013 Recreational Trails Program Grant* - Staff has applied for a 2013 Recreational Trails Program grant through the Missouri Department of Natural Resources to assist with the development of a trail segment at Mozingo Lake Recreation Park. The grant is for a maximum amount of \$100,000 with a 20% city match. The city match can be accomplished through the use of materials, equipment, and labor. The Office of Volunteer, Service Learning and Civic Engagement (B.R.U.S.H.) at Northwest Missouri State University has partnered with the City on the grant application and has pledged to donate a minimum of 500 hours of volunteer labor. The trail, being called Phase 4, would be located near the RV park and the existing 10-foot concrete path and would connect at two (2) areas of the existing trail to make a loop of approximately 1.5 miles. The trail segment itself would be a concrete path, 1,752-feet long and 8-feet wide. The trailhead would be located in the RV Park and connect to the terminus of the existing 10-foot trail, travel south and east across the open field, then curve back south and west along the lake edge. The trail would then continue straight east along the wooded area of the primitive campground area and reconnect with the existing trail. Three (3) benches would also be located along this trail segment. If awarded the grant, it is anticipated that construction would begin in early 2014 and be completed within six (6) months.
- *Snow Removal Cost* – The Street Maintenance Division of the Public Works Department has calculated snow removal costs for the months of December and January. Crews performed removal services on December 20, 21, and 31st, and January 2, 22, 30, and 31st. Snow removal costs include regular labor, overtime, salt materials, and equipment maintenance. Total cost for this period, excluding regular labor, was seventeen thousand two hundred eighty-nine dollars and eighty-four cents (\$17,289.84).
- *Northwest CIE and BlurPort, LLC* - The Center for Innovation and Entrepreneurship (CIE) at Northwest Missouri State University has entered into an agreement with BlurPort LLC. BlurPort was founded by NWMSU student Aakash Patel and will lease space in the CIE. The company is an innovative secure USB data storage device that operates with smart phones to enhance user verification. A press event to announce this joint venture was held at the CIE on Friday, February 8. City staff was present to welcome BlurPort as a new business in the community.
- *Advance Strategies Marketing Class* - City staff met with the Advance Strategies Marketing Class along with several other members of the community on January 23, 2013. At this time, the class is planning the events for the April 6 grand reopening celebration at Mozingo, as well as creating marketing material for the event, as well as any future marketing opportunities at Mozingo Lake Recreation Park.
- *Mozingo Lake Recreation Park Golf Clubhouse* - After almost 6 weeks of work, the clubhouse renovations are almost complete. Renovations will be done in time for the clubhouse and golf course to reopen on February.
- *Northwest Missouri Regional Airport Fuel Project* - The fuel tanks for this project are now scheduled to be located onsite on February 15. The next phase will be to connect all of the wiring and set up the computer systems for the fueling system and will take approximately two (2) weeks. The project is on schedule to be completed on or before March 15.

Council Members:

- Discussions of developing a Comprehensive Plan for Mozingo Lake Recreational Park was had held between City Staff and Council Members.
- Regarding the Student Forum, scheduled for March 4, at 6:00 p.m., it was asked if there would be one person speaking for the City or if it would be open. It was thought to be mostly a listening session for the Council, while students expressed their concerns.
- The City Manager’s annual review will be scheduled for the February 25, 2013, City Council meeting.
- A work session for Council Members will be held after the regularly scheduled City Council Meeting on February 25, 2013, to allow for dialog regarding city projects. Suggested discussion topics included a Mozingo lodge, economic development tools/recruitment, a list of accomplishments in the past year, and building codes and their effects/dilapidated housing.

ADJOURNMENT

Motion was made by Councilman Funston seconded by Councilman Fall that the meeting be adjourned. Upon

the roll being called, the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Meeting was adjourned.

Glenn Jonagan, Mayor

ATTEST:

Sheila Smail, City Clerk