

Maryville City Council
Regular Scheduled Meeting
February 25, 2013
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, February 25, 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 the roll was called by the City Clerk, with the following present to-wit: Mayor Jonagan, Council Members James Fall and Jeff Funston. Council Members Renee Riedel and Ronnie Moss were not present but Councilwoman Riedel participated in conversations via telephone. Others present were City Manager Greg McDanel; Asst., City Manager Ryan Heiland, City Attorney Doug Thomson; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; Student Senate/Council Liaison Cody Uhing and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jonagan led the pledge to the flag.

INVOCATION

Councilman Funston 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 Councilman Fall, seconded by Councilman Funston, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilman Funston, 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. No persons appeared to be heard.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AUDIT REPORT

Mike Williams, Hochschild, Bloom & Company, LLP, was present to review with the City Council the audit report on the financial status of the City of Maryville for the fiscal year 2011-2012. Financial standings and comparisons to the past years were reviewed to determine the gain or loss of each. No deficiencies were found in the report and there were no instances of non compliance noted. The Federal grant report was completed with no findings related to financial statements to be reported in accordance with Government Auditing Standards.

AN ORDINANCE TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH UMB BANK FOR DEBT ISSUANCE REGARDING STREET IMPROVEMENT

The City Clerk presented a bill, Bill No. 2013'10 for an ordinance entitled:

**An Ordinance to Enter into a Lease Purchase Agreement with UMB Bank for Debt Issuance
Regarding Street Improvement**

In 2012, the City Council discussed capital improvement projects and identified the reconstruction of certain sections of South Depot Street and South Munn Avenue as top priorities. The City analyzed funding of these projects and decided to proceed with issuing debt to cover project costs. The debt issued will then be repaid from the collection of the CIP sales tax over its remaining five year life.

The City's bond counsel, Gilmore & Bell, worked with the City's financial advisor, Jack Dillingham to develop a term sheet which was distributed to the local institutions on January 29, 2013, seeking financing proposals for these significant street projects. Bank Midwest offered the only proposal, but due to its interest rate of 2.76% and the restrictive financial covenants requested, it was decided to seek other proposals outside of the local institutions. Capital One Public Funding offered a proposed interest rate of 2.0 % and no financial covenants. They agree to purchase all of the Certificates at a purchase price of three million five hundred sixty thousand dollars (\$3,560,000) for its own account for investment purposes.

Payment for the Certificates is set to be made by federal wire transfer or certified bank check or draft in immediately available federal funds payable to the order of the Trustee for the account of the City, at the offices of UMB Bank, N.A., at 10:00 A.M.,

local time, on March 15, 2013. UMB Bank will hold all the monies and distribute the project payments to the contractors and

engineers upon receipt of payment requests from the City. The City will remit its semi-annual principal and interest payments to UMB, who will in turn distribute the interest to the purchaser of the debt.

Todd Goffoy, Piper Jaffray was present to give an overview of the process and results, including a discussion of the various legal documents and agreements into which the City may be entering.

A sum of three million five hundred sixty thousand dollars (\$3,560,000) in Certificates of Participation (COP's) was proposed to be issued, dated March 1, 2013. Semi-annual principal and interest payments will be due every March 1 and September 1 through 2018.

The Maryville Comprehensive Plan has numerous sections reflecting the importance of continued investment and maintenance of the roadway infrastructure. Entire sections of the comprehensive plan reflect improvements to system integrity and pedestrian safety. Staff recommended to the City Council to approve the proposed ordinance and execute the required documents to issue the Series 2013 Certificates of Participation. Capital One Public Funding was the recommended purchaser of the actual security (the Certificates themselves) being issued under the documents. UMB Bank is the recommended trustee/loan servicer.

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, that Council Bill 2013'10 be approved. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7496 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ORDINANCE TO APPROVE CHANGE ORDER NO. 1 WITH SMITH CONTRACTING COMPANY, INC., FOR THE PURCHASE AND CONSTRUCTION OF A NEW WATER/SEWER MAINT. BUILDING

The City Clerk presented a bill, Bill No. 2013'11 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute Change Order No. 1 of a Contract Between the City of Maryville, Missouri and Smith Contracting Company, Inc., for the Purchase and Construction of a Water/Sewer Maintenance Building, Maryville, Missouri

On November 26, 2012 the City Council approved a contract with Smith Contracting Company, Inc. for the purchase and construction of a new Water/Sewer Maintenance Facility. The previous building was destroyed in the hail storm of August 2011 which was covered by the City's insurance provider, MIRMA. Staff proceeded to hold a pre-construction meeting with the contractor, where it was discovered that the contractor had made an error in the original bid.

Based on the approved contract of three hundred fourteen thousand ninety dollars (\$314,900), the contractor estimated the total price for the building bid to be three hundred thirty-six thousand five hundred thirty-nine dollars and fourteen cents (\$336,539.14). The increase in the project was a result of a lack of clarity in the HVAC subcontractor bid. The proposal requested a "*HVAC system to heat and cool the entire building. This would include any ductwork needed for additional room that will be constructed as a part of the project.*" From this description, the contractor argues that it is inferred that the city is requesting a conventional force air system. The HVAC contractor provided a quote of eighteen thousand nine hundred fifty-two dollars (\$18,952) for the installation of that system. On the Itemized Project Bid Tab, the proposal requested an alternate bid for radiant heat in the concrete floor. The HVAC contractor provided a quote of thirty-one thousand eighty dollars (\$31,080) for the installation of this system, and Smith Contracting Company, Inc. based the bid price on this figure. The HVAC contractor did not indicate that the radiant heat system quote was required to be an addition to the forced air quote for the appropriate amount.

At the pre-construction meeting staff felt it was necessary to begin negotiating deductions to reduce the total cost to the original bid price, allowing the project to proceed. Substantial savings on the estimate can be incurred by reducing the concrete apron on three (3) sides of the proposed building and having city staff perform the interior rough carpentry. These deductions allow the City flexibility to have the contractor provide windows, additional roof insulation, thicker parts of a slab for an interior wall and an enlarged mechanical room as a part of the contract. The tradeoffs proposed in

Change Order No. 1 accounted for the error in the original bid, formalize the revised scope of work, and reflect a minimal increase in the contracted amount at four thousand four hundred twenty-six dollars and fifty-four cents (\$4,426.54). The project will be financed through utilizing two hundred fifty-nine thousand dollars (\$259,000) from allotted insurance proceeds and the remaining amount coming from \$85,000 budgeted for a sanitary sewer crawler camera. The total contract amount with Change Order No. 1 is three hundred nineteen thousand three hundred twenty-six dollars and fifty-four cents (\$319,326.54).

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 Change Order No. 1 of Contract 2012-54. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7497 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, being made a part of the original contract, Contract No 2012-54.

APPROVAL OF PURCHASE OF 2008 JOHN DEERE SKID LOADER, MOZINGO GOLF MAINTENANCE DEPARTMENT

The City Clerk presented a bill, Bill No. 2013'12 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Barker Implement, for the Purchase of a 2008, John Deere, Skid Loader, for the Mozingo Lake Recreation Park, Golf Course Maintenance Department, Maryville, Missouri

Over the past several months 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. Staff recently visited Barker Implement and was able to inspect and test drive the skid loader discovering it is in excellent condition.

At the February 11, 2013, City Council meeting, Staff requested permission to bid on this piece of equipment at a price not to exceed eighteen thousand five hundred dollars (\$18,500). With Council approval, staff won the bid at the total cost of sixteen thousand, four hundred dollars (\$16,400). Fiscal Year budget 2013 contains eighteen thousand five hundred dollars (\$18,500) for the Golf Maintenance department to purchase a used skid loader.

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 the ordinance for the purchase of a 2008 John Deere Skid Loader. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7498 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being made identified as Contract No 2013-05.

AN ORDINANCE TO EXECUTE A CONTRACT WITH JOE MACHENS FORD/LINCOLN FOR THE PURPOSE OF TWO (2) 2013 FORD POLICE INTERCEPTOR UTILITY AWD VEHICLES

The City Clerk presented a bill, Bill No. 2013'13 for an ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Joe Machens Ford/Lincoln, for the Purpose of Purchasing Two, 2013 Ford Police Interceptor Utility AWD Vehicles, for the Maryville Public Safety Department, Maryville, Missouri

The 2013 fiscal year budget provided funds for the replacement of two (2) Public Safety vehicles. The replacement includes one (1) full-size SUV for Mozingo Lake Recreation Park Patrol and the other for an Impala sedan for the Public Safety patrol fleet. Staff analyzed department needs and recommends replacing both vehicles with SUV's. The SUV at Mozingo Lake Patrol is critical for pulling the patrol boat and the department has identified the need for a second SUV in

patrol to increase diversity of fleet during inclement weather.

The 2013 fiscal year budget provides fifty-six thousand dollars (\$56,000) for the replacement of both vehicles. Bids were solicited for the replacement based on the specifications of a Police Explorer available under Missouri state contract, through Joe Machens Ford/Lincoln, being a 2013 Ford Police Interceptor Utility Vehicle for twenty-five thousand, five hundred twenty-five dollars (\$25,525.00). A total of two (2) additional bids were received by the bid opening date. These bids were both for a 2013 Dodge Durango SSV, from Briggs Auto for twenty-six thousand, two hundred sixty-two dollars (\$26,262.00) and Landmark Dodge for twenty-five thousand, seven hundred twenty-five dollars (\$25,725.00).

Staff recommended the Council approve an ordinance to authorize to purchase of two (2) 2013 Ford Police Interceptor Utility AWD Vehicles from Joe Machens Ford/Lincoln, under the State of Missouri Contract. It was also recommended that Headlight Housing Package be added to the contract for one hundred three dollars (\$103) per unit. The total amount of the vehicle purchase with the addition was fifty-one thousand, two hundred fifty-six dollars (\$51,256.00). The requested amount fell within the budgeted amount.

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. 2013'13, approving the purchase of two (2) police vehicles. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

Said bill was then numbered Ordinance No. 7499 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 2013-06.

APPOINTMENT OF MICHAEL THOMPSON TO PLANNING AND ZONING COMMISSION

Member Marlin Slagle had recently submitted his resignation, after serving on the Planning and Zoning Commission since 2001. Mr. Slagle's term is set to expire May 1, 2013. Since receipt of his resignation, an application came in from Michael Thompson who expressed his interest in serving on the Planning and Zoning Commission. Michael Thompson currently serves on the Mazingo Lake Recreation Park Board and would like to continue serving on it. There are no restrictions in the Maryville Codes that would prohibit an individual from serving on two (2) City boards at the same time.

Because the City Council would like to encourage more citizens to serve on City Boards, the City Council recommended that action not be taken until a further work is done in finding someone who is interested in serving that is not currently serving on another city board.

PUBLIC SAFETY FACILITY NEEDS ASSESSMENT

Staff is in the process of preparing a Request for Qualifications (RFQ) in an effort to begin selection of an architect to do a need assessment and begin preliminary work on the proposed construction of a new Public Safety facility. The current Public Safety facility is in poor condition and inadequate for the current needs of the Public Safety Department. Three (3) to five (5) locations will be selected for consideration and cost comparison. The RFQ will be released in the upcoming week.

MOZINGO LAKE RECREATION PARK CABIN CONSTRUCTION

City Staff has been negotiating with the Northwest Technical School, Building Trades Personnel to perhaps work out an agreement where the students would provide labor in constructing one or more of the proposed Family Cabins at Mazingo Lake Recreational Park, near the Kiwanis Shelter. In exchange for their labor, the Northwest Technical School will take ownership of an empty lot currently owned by the City of Maryville. The lot located at 308 East 6th Street is the lot Northwest Technical School is most interested in. Provided the City and Northwest Technical School can come to an agreement, the construction is expected to commence the fall of 2013.

REPORTS

I. NWMSU Liaison

- The Student Senate is preparing to schedule a date for a Student Forum to hold discussion regarding the "19 vs. 21 year olds in Bars" issue. Council Members and staff will be notified of the date and time.

II. 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., in the Station Conference Center on the NWMSU campus. The meeting 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.
- *115 N Water Street Demolition*– The City of Maryville has released an Invitation to Bid for demolition of a residential structure located at 115 N. Water Street. The property was tagged as a substandard structure requiring the immediate repair or demolition according to Chapter 505: Housing Code of the Municipal Code of Maryville. On December 6, 2012, a decision was made by the Board of Code Appeals reaffirming that the structure meets the unsafe definition and requires demolition. A sixty (60) day period allowing for compliance with the board decision has now expired.
- *Board of Code Appeals* – The Board of Code Appeals conducted hearings on three (3) structures tagged as substandard according to the Municipal Code of Maryville on February 19th. The residential structures in question are located at 505 E. 6th Street, 110 S. Fillmore, and 816 E. Edwards. The board reaffirmed the unsafe and dangerous determination which will begin a sixty (60) day time period for property owner compliance.
- *Phase M, Hospital to Middle School Trail* –On December 10, 2012, the City of Maryville awarded the construction contract for the Phase M, Hospital to Middle School Trail Project to Andrew Spire Construction, LLC. The project consists of installing a ten (10) foot concrete trail nearly 1,500 linear feet in length to connect the existing trail at the Maryville Middle School to a new entry point located along the front of St. Francis Hospital. The contracts have been reviewed and approved by the Missouri Department of Transportation (MoDOT) and a Notice to Proceed has been issued for March 1, 2013. A Pre-Construction meeting was scheduled on the project for February 26th at 10:00 a.m. in City Hall.
- *Munn Avenue Street Improvement Project (South Ave. to Highway V)*–Significant utility relocation work is required on the project before Orr Construction Management can begin on Phase I. Utility companies have been working along the corridor to eliminate conflicts and should be complete by March 15, 2013. A pre-construction meeting was set for 1:00 p.m. Wednesday, February 27th, to allow Orr Construction Management, SK Design Group, and City Staff to finalize details prior to construction. Construction of Phase I, from South Avenue to the north Maryville High School entrance is expected to occur between March 15th and May 15th.
- *Depot Street Improvement Project (1st Street to Halsey)* – Construction on the Depot Street Improvement project is progressing with an estimated completion date on or before May 31, 2013. Loch Sand and Construction is installing storm sewer throughout the corridor while subcontractor White Cloud Engineering and Construction is relocating sections of water line. KCP&L was also on site last week relocating an overhead power line along the west side of Depot Street. According to Olsson, the engineers and inspectors on the project, construction is approximately 16% complete.
- *Mozingo Lake Recreation Park Website* - On Tuesday, February 19, 2013, the new website for Mozingo Lake Recreation Park went live on the internet. The website address for this page is www.mozigolake.com. At this time, a majority of the features are complete. The remaining features to be installed include the ability to make online cabin and RV reservations and the finalization of the Fore! website. It is estimated that the outside contractors used for these services will be complete within the next couple of weeks. The new website offers many features previously unavailable for Mozingo Lake Recreation Park. A Calendar of Events is available, along with a Message Center that allows for immediate updates of important information (such as boat ramp closures), and pictures of the park and facilities. Council was encouraged to take a look at the website and click the Facebook “Like” button at the top of the homepage. The next phase of the website is the creation of a mobile version that is compatible for use on smart phones and other hand held devices. This phase will be complete by the end of March.
- *Mozingo Lake Recreation Park Golf Clubhouse* - After six (6) weeks of closure for renovations, the Mozingo Lake Recreation Park Golf Clubhouse was reopened on-time.
- *Mozingo Lake Ramp Closure and Water Level Concerns* - Due to the water levels at Mozingo Lake, staff has closed the north boat ramp adjacent to the Equestrian RV campground. The remaining two (2) boat ramps remain open for the foreseeable future. It is likely, without any significant rainfalls this spring the City ramp will

require closure at some point this spring/summer due to low water levels. Mozingo Lake has operated with a single boat ramp in previous seasons due to low water levels, the last being approximately seven (7) years ago. Staff has placed "Ramp Closed" signs on the north ramp and staff has also placed warning signs about the low water levels on the other two (2) ramps so that boaters are aware of potential hazards. The mozingolake.com website has been updated with boat ramp closure notices in the Message Center.

- *Northwest Missouri Regional Airport Fuel Tanks* - The airport fuel tanks were installed February 15, 2013. The contractor used a crane to lift both tanks into place. The final phase of the project is to calibrate the fuel island computers and install the necessary computer software, which should take a couple of weeks to complete and the system will be available for use mid March.
- *D.A.R.E. Events* - Maryville's annual D.A.R.E. (Drug Abuse Resistance Education) graduation will be held Tuesday, March 5, 2013 at the Houston Performing Arts Center at 6:00 p.m. Also, D.A.R.E. will hold its annual Dinner/Auction on Saturday, April 6, 2013 in the St. Gregory's auditorium. Doors to the event open at 5:30 with dinner served at 6:00 p.m.
- *Public Safety Pumper Truck* – Specifications are being finalized for the purchase of a new Pumper Truck for the Public Safety Fire Division. The purchase will replace a U-1 1982 Ford 8000 Pumper that is showing signs of deterioration and general concern. The Request for Proposals on the equipment purchase should be ready for release by late March. Fiscal Year 2013 Budget contains \$275,000 in Capital Improvement Sales Tax dedicated to this project.

II. Council Members

- Maryville citizens were encouraged to go online to USA Today and vote for the Maryville Spoofohound in a contest to select the best High School mascot.
- There was concern expressed about tagged properties having been vacated and have doors and windows open for whomever or whatever might decide to enter. It was asked if the city could require the property owners to secure the structure. It was suggested that Code Enforcement or Public Safety be notified of such properties and the owner of the property will be required to secure the structure.

EXECUTIVE SESSION

Motion was made by Councilman Funston, seconded by Councilman Fall that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilman Fall; yea; Councilman Funston, yea; Mayor Jonagan, yea. Motion carried.

City Council met in closed session to discuss two (2) items. The first was related to the Leasing, Purchase or Sale of Real Estate by a Public Governmental Body Where Public Knowledge of the Transaction Might Adversely Affect the Legal Consideration Therefore, as Authorized by Section 610.021(2) RSMo., Closed Meeting, Closed Record, Closed Vote. The second item was related to 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 Fall, seconded by Councilman Jonagan that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Fall, yea; Mayor Jonagan, yea. Motion carried.

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

Glen Jonagan, Mayor

ATTEST:

Sheila Smail, City Clerk