

Maryville City Council
Regular Scheduled Meeting

July 22, 2013
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 22, 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 Fall and roll was called by the City Clerk, with the following present to-wit: Mayor James Fall, Council Members Ronnie Moss, Glenn Jonagan, Renee Riedel and Jeff Funston. Others present were City Manager Greg McDanel; Dir., Finance Denise Town; Dir., Public Safety Keith Wood, Dir., Public Works C.E. Goodall and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

The pledge to the flag was led by Mayor Fall.

INVOCATION

Councilman Moss gave the invocation.

APPROVAL OF THE AGENDA

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

Motion was made by Councilman Jonagan, seconded by Councilman Moss, 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 Jonagan, yea; Mayor Fall, yea. Motion carried.

CITIZENS TO BE HEARD

Mayor Fall 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.

Shawn Harper, Leading Instructor of ABC Handgun Team, expressed his appreciation of the City Council's approval of his request to hold a Handgun Safety Class for adults and youth at the Mazingo Youth Camp Multi-Purpose Building this fall. The second part of his request, to have a shooting practice, has yet to be approved. It is pending further review and investigation by staff.

USE OF MOZINGO YOUTH CAMP MULTI-PURPOSE BUILDING, FEES WAIVED, BY OPTIMIST

Councilman Moss recued himself from this subject because he is a member of the Maryville Optimist club. He left the Council Chambers during the discussion and vote of this item.

A request was made by the Maryville Optimist Club to allow the club to hold a dinner on August 22, 2013, for club members at the multi-purpose building in the Youth Camp Area of Mazingo Lake. It was requested that the fees for use of the building be waived.

The Maryville Optimist Club played a large role in promoting and developing the Youth Camp Area in its inception. The Optimist Club purchased all materials and provided labor in building one of the twelve person cabins. They also donated one thousand dollars (\$1,000) toward the construction of the multi-purpose building.

Motion was made by Councilman Fall, seconded by Councilman Funston, to approve the use of the multi-purpose building on August 23, 2012, by the Maryville Optimist Club, with the waiving of fees. Upon roll being called the vote was as follows: Councilman Funston, yea; Councilman Moss, abstained; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Councilman Moss returned to the Council Chambers to participate in the remainder of the meeting.

REQUEST TO HOLD ANNUAL WATER FIGHT, LAURA ST BAPTIST CHURCH

Ben McKim, Laura Street Baptist Church, requested permission to close a portion of South Laura Street and East Jenkins Street, to hold their Annual Water Wars event, for the youth of the church. The event was requested to be held on South Laura Street, between East 1st Street and East Thompson Street, as well as East Jenkins Street, between South Alvin and South Mattie Street, on Friday, August 9, 2013, with streets closed from 4:30 p.m. until 9:00 p.m.

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel, to approve the Annual Youth Water War, as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

CONTRACT WITH NODAWAY VALLEY BANK FOR BANKING SERVICES AND TO FUNCTION AND SERVE AS THE DEPOSITORY OF THE FUNDS OF THE CITY

The City Clerk presented a bill, Bill No. 2013'62 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH NODAWAY VALLEY BANK FOR BANKING AND INVESTMENT SERVICES AND TO FUNCTION AND SERVE AS THE DEPOSITORY OF THE FUNDS OF THE CITY OF MARYVILLE, MISSOURI

Section 95.280.1, RSMo, governs the selection of depositories of city funds for third-class cities. It states that

city councils may, at a July city council meeting, receive sealed proposals for the deposit of city funds from banking institutions doing business within the city.

The City of Maryville issued a banking services Request for Proposal (RFP) on June 18, 2013 to the four local banks, due by 4:00 p.m. Monday, July 15, 2013, The RFP will result in the award of a one (1) year contract commencing August 1, 2013 and continuing to July 31, 2014, with the option to renew the contract for four (4) subsequent one (1) year periods.

Because of the abundant information received at the bid opening held on July 15, 2013, City Council Meeting, it was requested that the item be postponed until the July 22, 2013 meeting for further review.

The RFP states bidders should quote an interest rate as indexed to the 91-day Treasury Bill. Only three of four bids complied with that as requested in the RFP, and staff determined the non-complying bid should be removed from further consideration. The remaining three bids were next analyzed to compare cost of services and interest earnings. The other evaluation criteria included: qualified depository for public funds in accordance with Missouri Statutes, the scope of proposed services, community re-investment and community involvement, experience, expertise, and qualifications of key bank personnel assigned to the City, financial strength and stability of bank, value of any new products or services suggested, breadth of services, quality level of services to be performed and proposed approach to cost control, service, level monitoring and administration. After factoring in the criteria and placing a strong emphasis on the Government Finance Officers Association (GFOA) recommendation of "safety, liquidity, then yield", staff recommended the City continue its banking relationship with Nodaway Valley Bank. They have provided excellent customer service to the City and been very responsive to any issues or questions that have arisen. They are actively involved in and committed to the community, and have an excellent rating for financial strength and stability.

Nodaway Valley Bank has quoted an interest rate equal to the CEY on 91-day Treasury Bills minus 0.10 basis points, with an interest floor of 0.10%, and will charge an estimated \$480 annually for returned checks, stop payments and wire transfers out. This is the same interest rate the bank currently offers the City, but the total annual fees have increased by an estimated \$315.

Upon motion duly made, 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, 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 Moss, to approve Council Bill No 2013'62, to approve the City to continue banking relationship with Nodaway Valley Bank. Upon roll being

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

Said bill was then identified as Ordinance No. 7544 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

CONTRACT WITH DAVID E. ROSS CONSTRUCTION COMPANY, CONSTRUCTION OF WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

The City Clerk presented a bill, Bill No. 2013'63 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH DAVID E. ROSS CONSTRUCTION COMPANY, FOR THE PURPOSE OF CONSTRUCTING THE WASTEWATER TREATMENT PLANT IMPROVEMENTS, MARYVILLE, MISSOURI

The Environmental Protection Agency (EPA) has required the Missouri Department of Natural Resources (DNR) to implement new regulations for ammonia removal and disinfection of the sanitary sewer prior to discharging from the facility. Currently, Maryville's existing sewer lagoon does not meet compliance and will require the mandatory construction of mechanical sewer treatment plant. According to an extension agreement with DNR, the new plant must be operational by July 1, 2015 or the City may face administrative or civil action for any damages, expenses, penalties, and fees that result from noncompliance.

HDR, Inc. has now completed engineering and design of the wastewater treatment plant. The design ensures the City will meet regulations for ammonia removal and disinfection while allowing the use of the existing lagoon system for storm water overflow and sludge storage. The design also increases the total capacity by 300,000 gallons per day for future economic development purposes. The City instructed HDR to analyze additional anticipated regulations and leave room in the process line to allow for future treatment basins.

The City proceeded to solicit bids from qualified contractors for construction of the Wastewater Treatment Plant Improvements. Bids from contractors were due at 2:00 p.m. on June 21st. The bid opening resulted in the following seven (7) bids which included Foley Company, \$11,375,000; David E. Ross Construction Co., \$11,438,800; Crossland Heavy Contractors, \$11,525,600; BRB Contractors, Inc, \$12,609,000; KAT Excavation, Inc., \$13,468,701; Lawhon Construction, \$13,746,000; and KCI Construction Co., \$13,769,000.

City staff has analyzed various options to finance the upgrade and revenue bonds carry the lowest interest rate. On April 3, 2012, Maryville voters approved a \$13.75 million Combined Waterworks and Sewerage System Revenue Bond issue to assist with engineering, land acquisition, and construction of the facility. Bonds will be repaid from an estimated net increase of 25-30% to Maryville customer's combined water/sewer bills. The FY 2013 budget includes \$1,720,072 for associated project costs through September 30, 2013. The FY 2014 budget will include the remaining project expenditures.

Based on further investigation by staff and HDR Engineering, Inc., it appeared Foley Company, has had scheduling and project management turnover issues with referenced projects. The City of Maryville has a specific deadline of July 1, 2015 with the Missouri Department of Natural Resources to have the wastewater treatment plant operational. Consequently, staff believes awarding the contract to Foley Company is not in the best interest of the project because any delay in the project could trigger DNR monetary penalties alleviating any cost savings by the bid. For these reasons, staff recommends accepting the bid from David E. Ross Construction Company as the lowest and best bid, at a contracted amount of \$11,438,800.00.

The ordinance also contains in Section 2 the administrative ability to approve change orders up to a total of two percent (2%) of the contract amount. The Municipal Code of Maryville currently allows the City Manager to approve project change orders up to \$5,000.00 with prior council approval. On a project of this magnitude and under a tight time frame for operation by DNR, granting administrative approval of minor change orders is recommended to facilitate project completion.

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 Jonagan, seconded by Councilwoman Riedel to approve Council Bill No.2013'63 as presented, to enter into a contract with David E. Ross Construction Company for the amount of \$11,438,800.00. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

Said bill was then identified as Ordinance No. 7545 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. 2013-40.

PEACH CREEK DRAINAGE IMPROVEMENT

Councilman Funston recued himself by leaving the Council Chambers for this subject, because of his employment with White Cloud Engineering and Construction Company. White Cloud Engineering is involved in the planning and construction of the project.

City Manager Greg McDanel presented to the City Council a proposal for Peach Creek drainage improvement. At West 5th Street and Walnut Street a property owner has removed five (5) mobile homes and two (2) other structures through the C-TRIP program. The property owner understands the issues with this area along Peach Creek, with storm water retention. The City has an opportunity to work with the property owner in constructing a significant retention area, to reduce the excessive water experienced during heavy rainfall by constructing a decorative interlocking block basin, floor and walls, to slow the downstream flow. The property owner has agreed to pay for the construction of the retention area if the City purchases the materials for the project. The materials are estimated to cost thirty-five thousand dollars (\$35,000). The current year budget contains thirty-eight thousand dollars (\$38,000) for drainage improvements which can be used for the proposed project.

Motion was made by Councilwoman Riedel, seconded by Councilman Moss, to approve the proposed work to Peach Creek, with the City purchasing materials for the project for a not to exceed price of thirty-five thousand dollars (\$35,000). Upon roll being called, the vote was as follows: Councilman Funston, abstain; Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Motion carried.

A meeting was scheduled for July 23, 2013, to discuss a possible extension to the project on university land, with Northwest Missouri State University officials.

Councilman Funston returned to the Council Chambers to participate in the remainder of the meeting.

REAPPOINTMENT OF PARK AND RECREATION BOARD MEMBERS, THREE YEAR TERM

Rod Auxier, Dir., Park and Recreation, submitted a request to reappoint Board Members Tim Faris, Adam Teale, and Bryan Grow have requested to be considerate for re-appointment to the Park and Recreation Board for another three (3) year term.

Motion was made by Councilwoman Riedel, seconded by Councilman Funston to re-appoint Tim Faris, Adam Teale, and Bryan Grow to another three (3) year term to the Park and Recreation Board. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

LIQUOR LICENSE APPROVAL FOR BUBBA'S BBQ FIXN'S, 2013-14

An application for renewal of the 5% Beer by the Drink License was received from Bubba's BBQ Fixn's for 2013-14. Staff reported that all documents we provided with the application and that there is no apparent reason not to issue the requested renewal.

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel to re-appoint Tim Faris, Adam Teale, and Bryan Grow to another three (3) year term to the Park and Recreation Board. Upon roll being

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

REPORTS

I. Student Liaison

- Unavailable to report.

II. City Manager

- *Munn Avenue Update*- City Staff will meet with School District Officials on Thursday, July 25, 2013 to discuss paving plans and address other needs. Paving of Phases 1 and 2, will begin the first week of August and is scheduled to be completed by August 15, 2013. An alternate access to the High School is being identified in preparation of any unforeseen issues.
- *South Depot Street Update* – The main line paving on South Depot Street has been completed. Curbing has begun and should be completed that week.
- *Ribbon Cutting at Maryville Trails, Phase M* – A Ribbon Cutting has been scheduled for Thursday, July 25, 2013, at 2:30 p.m., to celebrate the completion of Phase M, of the Maryville Trails. Phase M is the section of trail between the Maryville Middle School and St. Francis Hospital.
- *Ball Fitting* – The Bridgestone ball fitting event is scheduled for July 31, from 2:00 until 7:00 p.m. There are a few slots available for reservation.

II. Council Members:

- Councilman Funston inquired about any reports of persons having trouble making tee times on website. No others were reported.
- Councilman Jonagan thanked Luke Reven for his years of leadership as the Greater Maryville Chamber of Commerce Director.

ADJOURNMENT

Motion was made by Councilman Jonagan seconded by Councilman Funston that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Funston, yea; Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Fall, yea. Meeting was adjourned at 7:50 p.m.

James R. Fall, Mayor

ATTEST:

Sheila Smail, City Clerk