

**Maryville City Council**  
**Regular Scheduled Meeting**  
May 28, 2013  
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Tuesday, May 28, 2013, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARING**

Mayor Fall opened a public hearing to hear from those present regarding the proposed amendment to the Ordinance NO. 600.045: Age Limitations for Entry upon Premises of a Liquor by the Drink License, Notices and Penalty. The proposed Council Bill No. 2013'43 states as follows, "It shall be unlawful for any person under the age of twenty-one (21) 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 twenty-one (21) years of age may be on such premises if accompanied by his/her parent or legal guardian."

Mayor Fall stated that those who have not spoken at the previous discussion sessions would be heard first, with others to follow. Persons present to express their opposition of the proposed bill were, Clarence Green, Northwest Missouri State University (NWMSU) Campus Safety Director; Dr. John Jasinski, President NWMSU; Dr. Matt Baker, NWMSU; Annette and Michael Hoskey, co-owners of Molly's Bar; Cody Uhing, NWMSU Student Liaison to City Council. Those who spoke in favor of the proposed amendment were, Paul Thompson, owner of The Palms Bar & Grill; Tammy, Substance Abuse Task Force;

With no further discussion, the public hearing was then closed by Mayor Fall.

**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, Asst., City Manager Ryan Heiland, Dir., Finance Denise Town; Dir., Public Safety Keith Wood, Dir., Public Works C.E. Goodall, Student Liaison Cody Uhing; Elect Student Liaison Danen Merrill and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Boy Scout Chase Graves, Troop 400, led the pledge to the flag.

**INVOCATION**

Boy Scout Leader Mark Galbraith 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 Funston, 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.

No persons appeared to be heard.

**REQUEST STREET CLOSURE TO HOLD NODAWAY COUNTY FAIR, JULY 17-20, 2013**

Mid-July of each year, the Nodaway County Fair is held around the Courthouse Square. A request was made by the Nodaway County Fair Board to close the streets at 5:00 p.m., on Tuesday, July 17 until mid-day July 21, 2013.

Businesses that might be affected by the event have been notified. The certificate of insurance valued at \$1,000,000.00, naming the city as an additional insured, has not yet been submitted, but is expected to be provided soon. The signed Indemnification/Hold Harmless agreement has been signed and submitted.

The Fair Board also requested that the City contribute the usual \$1,500 dollars toward the cost of liability insurance for the event.

Staff recommended approval of the requested street closure to hold the Nodaway County Fair, July 17-21, 2013.

Motion was made by Councilman Moss, seconded by Councilman Jonagan, to approve the request to close street around the Courthouse Square to hold the Nodaway County Fair, July 17-21, 2013 and to pay \$1,500.00 toward the cost of liability insurance for the event. Upon roll being called, the vote was as follows: Councilman Funston; yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

## REQUEST TO HOLD FLY-IN BREAKFAST, SUNDAY, SEPT 8, 2013, BY EAA HAWK ROAD FLYERS

Thirty-seven (37) years ago a group of local aviation enthusiasts established the Maryville Flying Club. Each year this group has held a Fly-in at the Maryville airport to showcase the airplanes based there and introduce the community to the services and facilities available.

In the past the Fly-in consisted of a Fly-in Breakfast served by local service organizations in the main hangar, flight demonstrations, airplane rides and static displays of military and civilian aircraft. The Maryville Public Safety Fire Division displayed fire fighting apparatus' and police vehicles. The Missouri National Guard provided military vehicles and aircraft for display. Nodaway County Ambulance displays an advanced life support ambulance and a Life Flight Air Ambulance helicopter.

Due to various reasons the group disbanded about five (5) years ago, but recently local pilots and aviation enthusiasts established the Experimental Aircraft Association (EAA) and have made application to hold the "Fly-in Breakfast".

The proposed event will include much the same as in past years, with proceeds being used as a start up for next year's event, advertising and costs of this year's event, and to the Young Eagles Program.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to approve the request to allow the Fly-In Event at the Northwest Missouri Regional Airport. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston; yea; Mayor Fall, yea. Motion carried.

## COMPREHENSIVE ALCOHOL STRATEGY

Over the last ten (10) months as the community has discussed the bar entry age, several other issues have surfaced as potential concerns. These issues are relative to the proper enforcement and impact on alcohol consumption, especially in a "college town".

Some items suggested below provide useful enforcement tools for Maryville and could be implemented through future ordinances and code amendments. Some research performed by the Public Safety Department has yielded examples of tools that are in ordinance form in similar communities. Where applicable, these communities are identified to eliminate the need to "re-invent the wheel".

- ***Drinking in Public (Open Container)***: While gathering information on the bar age issue, Public Safety gathered data from seven (7) other similar university based Missouri communities. Staff discovered that Maryville was the only community that does not have a Drinking in Public prohibition. Maryville citizens are currently allowed to walk in public areas (street, sidewalk) any time throughout the day openly consuming alcohol. The Maryville Municipal Code currently prohibits only having an open container in a vehicle.

When reviewing similar communities, Warrensburg, Missouri displays a well written ordinance for the purpose of prohibiting Drinking in Public. The ordinance is straight forward and prohibits consumption of alcohol in any public place (defined as street, alleyway, sidewalk, public parking lot, etc.). The ordinance goes into detail to describe "exceptions" that allow for special events and details the event and location in some cases such as home football games connected with the University. Staff would suggest working with the City Attorney to include some restrictions on private property if/when someone is conducting themselves in such a manner to call attention to their consumption on the property. An example of this would be large gatherings with distracting signage such as "you honk we drink" or "drop your daughters off here". A copy of the Warrensburg ordinance is attached for your reference.

- ***Nuisance Party***: An ordinance to enable Public Safety to be proactive in approaching large gatherings as opposed to reactive could be an additional tool in a comprehensive alcohol strategy. The proposed ordinance would likely contain "triggering" activities or conduct that would allow an Officers timely intervention. Equally important, the ordinance could contain a stiff legal accountability to the host/hostess or responsible property guardian. The further enforcement and greater risk could deter the frequency of house parties and curb the potential of underage alcohol consumption. The ordinance should also include specific authorizing language for Officers to properly disperse the party.

When reviewing Missouri communities, Cape Girardeau, Missouri has a Nuisance Party ordinance that appears to have useful language for Maryville. The ordinance contains eleven (11) identifiable elements that

trigger a violation of a gathering of ten (10) or more people. The Cape Girardeau ordinance provides several good discussion points for the Maryville City Council to add and delete from. One feature that the ordinance does not contain is an exemption for a host/hostess who contacts Public Safety for assistance to disperse a gathering that has become a concern. A copy of the Cape Girardeau ordinance is attached for review.

- ***Drink Specials:*** An ordinance to discourage “binge” drinking mentality and the promotion of such by local establishments could provide a useful enforcement tool. Springfield, Missouri has a simple yet well written ordinance that could be used as a model. In short, the ordinance 1.) prohibits any licensee to sell any drink at less than the cost to the establishment, 2.) prohibits the offer for sale of an unlimited number of drinks for a fixed price/and or during a fixed period of time, and 3.) Restricts any form of encouragement, game, etc, that involves how many drinks can be consumed or awards drinks as a prize. For your reference, a copy of the Springfield ordinance is attached.
- ***Noise Restrictions for Establishments:*** Consideration could also be given to an ordinance that restricts the hours that an establishment may play outdoor music above a certain decibel level. If an establishment contains an outdoor entertainment area (or non-permanent structure), there would be a time restriction on the hours of operation for music. The restrictions could be based on noise (music) audible beyond the property of the bar above a reasonable decibel level (to be determined). This issue has frequently been the source of many complaints yet may or may not have an effect on alcohol consumption. While staff could not find a “model” for this, with constructive discussion and assistance from the City Attorney, staff is confident a satisfactory tool could be developed.

The Maryville Municipal Code currently contains a “Peace Disturbance” section (210.200) for an enforcement tool, but at is present provides challenges. The code consists of (for this purpose) “...unreasonably and knowingly disturbs or alarms another person or persons by; a.) Loud noise, b.) ....”. The current code leaves a significant burden on the Officer responding to the complaint to determine a variety of the elements for violation purposes, or requires the complainant to bare the complaint and/or proof, which often does not occur.

- ***Open Containers in/out of Establishments:*** While the “Drinking in Public” already addresses this matter in part, restricting open drinks into or out of a bar would assist in reducing the opportunity of open containers trash etc. around the bars. There is already Missouri Division of Alcohol and Tobacco regulation regarding this, but Public Safety has no enforcement authority over those regulations. In addition to helping the cause / effort, such a tool would also empower the owners to deny “to-goes” at closing time or at other times when patrons become insistent on taking with them their alcohol purchase. The liability could be imposed on patrons, owners and/or employees through proper enforcement.
- ***Establishment Owner/Employee Training:*** Public Safety could potentially provide training on city codes, violations procedures, and expectations directly for establishment owners and employees in an attempt to obtain compliance. The training could be provided in coordination with the beginning of each semester at Northwest Missouri State University to ensure establishments are ready for the influx of students. Online server training provided online by the State of Missouri is also available and is used in some communities as a condition to obtain liquor licenses.
- ***NWMSU Enforcement Partnerships:*** The Northwest Substance Abuse Task Force (SAFT) is currently in the process of increasing their presence in the community and broadening their identity. Throughout this process the group has been instrumental in going beyond the campus borders to deal with alcohol issues on a community level. Assistance from the group in developing some of the policies herein would likely be requested.

Public Safety also desires the continued discussion with Northwest Campus PD to analyze jurisdictional boundaries and joint efforts to police areas immediately adjacent to the campus. The assistance could prove beneficial in controlling house parties and nuisance violations related to alcohol consumption off campus.

- ***Liquor License Enforcement:*** Tougher sanctions for establishments with frequent infractions could assist in a long-term alcohol strategy. This issue would entail working directly with the City Attorney to identify our authority to modify violations and sanctions. Some of the ordinance is mandated by state statutes with

regards to holding hearings for suspensions, etc. The City has attempted this process between 4-5 times in the past and experienced a fairly drawn out legal process. Streamlining this process and potentially enabling a review board for liquor licenses could be options for acting on renewals, suspensions, and revocations. The review process could be a requirement of all license holders, not just bars, since there are periodic violations in package stores.

- **Increase Bar Patrol/Compliance Checks:** Increasing Public Safety’s presence in establishments in the form of “bar patrol” could assist in curbing alcohol violations and disturbances. Many establishment owners currently welcome bar patrol and the assistance Public Safety provides on high volume weekends. The program is funded by an EUDL grant, but it appears funding will be eliminated in the future. Currently, Maryville Public Safety contains 20 sworn officers to keep staffing levels at minimum coverage and typically reactionary. An additional officer would allow the proper resources to be more proactive in bar patrol/party patrol throughout the community. Many policies listed above require significant resources to make an impact in enforcement. MPS has at one point had 26 officers during a portion of the Clinton era COPS grants. COPS grants are still available, however the last round of solicitation indicated they would award based on targeting homicide reduction.

**AMEND SECTIONS 600.045: AGE LIMITATIONS FOR ENTRY UPON PREMISES OF A LIQUOR BY THE DRINK LICENSEE, NOTICES AND PENALTY**

The City Clerk presented a bill, Bill No. 2013’43 for an ordinance entitled:

**AN ORDINANCE TO AMEND SECTION 600.045: AGE LIMITATIONS FOR ENTRY UPON PREMISES OF A LIQUOR BY THE DRINK LICENSEE, NOTICES AND PENALTY, OF TITLE VI: BUSINESS AND OCCUPATION, CHAPTER 600: ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL, OF THE MARYVILLE MUNICIPAL CODE, MARYVILLE, MISSOURI**

Section 600.045: Age Limitations for Entry Upon Premises of a Liquor By the Drink Licensee, Notices and Penalty of the Maryville Municipal Code currently sets the “bar” entry age restriction at nineteen (19) years of age. Over the past ten (10) months City Council and staff have been studying the issue and obtaining community input regarding the proper age for the code section. Numerous public input sessions have been held along with meetings for establishment owners to discuss the topic. The City Council has asked staff to prepare an ordinance to increase the age restriction to twenty-one (21) for consideration.

Section 600.045 also requires any license holder to display the age restriction allowed on the premises at the principal entrance. The Section does not apply to any establishment where food or other commodities are sold at 50% or more of gross sales.

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 Councilman Jonagan, seconded by Councilman Moss, to approve Council Bill No 2013’43, changing the age limit from nineteen (19) to twenty-one (21) years old. Mayor Fall clarified that a “yea” vote is in favor of the minimum age to be no less than twenty-one (21) years, excluding restaurant bars. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, nay, Councilman Funston, nay; Councilman Moss, yea, Mayor Fall, nay. Motion failed.

**AMEND SECTION 600.020: TIME FIXED FOR OPENING AND CLOSING PREMISES—CLOSED PLACE DEFINED-PENALTY**

The City Clerk presented a bill, Bill No. 2013’44 for an ordinance entitled:

**An ordinance to amend Section 600.020: Time Fixed for Opening and Closing Premises -- Closed Place Defined -- Penalty, of Title VI: Business and Occupation, Chapter 600: Alcoholic Beverages, Article I – In General, of the Maryville Municipal Code, Maryville, Missouri.**

On July 10, 2012, the Missouri Governor approved HB 1498. The bill effectively changes the laws regarding liquor sales and repeals provisions requiring certain establishments to have a certain minimum of gross receipts in order to obtain a Sunday by-the-drink license. The law allows for any person possessing the qualifications and meeting the requirements, who is licensed to sell intoxicating liquor at retail, may apply for a special license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.

A local establishment has requested the City Council consider expansion of the Municipal Code of Maryville to correspond with the revisions of HB 1498. The City Council has now requested staff to prepare an ordinance reflecting the change for consideration. The hours for opening and closing a premises on Sunday's in the proposed ordinance are left blank for council consideration. Section 600.030 of the municipal code allows for designated holidays, retail sales, and consumption on premises of restaurant bars to be exempted from the times set in Section 600.020. These exceptions are allowed to apply for a "Sunday Sales" license between the hours of 9:00 A.M. Sunday and Midnight.

If Council amends the ordinance to allow Sunday sales of all liquor by the drink licensees, a fee of three hundred dollars (\$300) would be required for the privilege of selling intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.

Linda Lajcak, 321 West 4<sup>th</sup> Street, expressed her opposition to the consideration of allowing the sale of intoxicating liquor at retail on Sundays.

Council Members discussed the time frame in which they wish to allow on Sundays.

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 Jonagan, seconded by Councilwoman Riedel to approve Council Bill No.2013'44, allowing the sale of intoxicating liquor at retail from 10:00 a.m. until 10:00 p.m. 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 numbered Ordinance No. 7528 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **CONTRACT WITH NODAWAY CONTRACTING COMPANY, INC., FOR DEMOLITION SERVICES FOR A RESIDENTIAL STRUCTURE LOCATED AT 110 SOUTH FILLMORE STREET**

The City Clerk presented a bill, Bill No. 2013'45 for an ordinance entitled:

**An Ordinance authorizing the Mayor of the City of Maryville, Missouri, to execute a contract with Nodaway Contracting Company, Inc., for the purpose of providing demolition services for the residential structure located at 110 South Fillmore Street Maryville, Missouri**

The residential structure located at 110 S. Fillmore Street was tagged as a "dangerous building" according to Chapter 530: Dangerous and Unsafe Buildings of the Maryville Municipal Code, on August 12, 2012. The property owner made no attempt to work with City staff to bring the structure up to code or clear the site.

In 2012 the City Council made the removal of unsafe and dangerous structures within the community a top priority. Staff scheduled a hearing regarding this property with the Board of Code Appeals for February 19, 2013 and the board upheld the "dangerous building" definition according to Section 530.010. The board issued a Findings of Fact that ordered the repair or demolition of the structure within sixty (60) days and since that time the owner has failed to comply with the decision. Bids for demolition of the structure were opened on May 24, 2013 and were received from Nodaway Contracting Company, Inc., \$7,475.00 and Jason Brown Roofing, \$9,949.00. The FY 2013 budget includes \$75,000 for the removal of unsafe and dangerous structures. Staff recommended to Council to approve a contract with Nodaway Contracting Company.

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 Councilwoman Riedel to approve a contract with Nodaway Contracting Company for the demolition of a structure at 110 South Fillmore Street, at seven thousand four hundred seventy-five dollars (\$7,475.00) . Upon roll being called, the vote was as follows: Councilman Funston, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7529 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2013-30.

#### **CONTRACT WITH KELLER CONSTRUCTION FOR THE 2013 ASPHALT OVERLAY PROJECT**

The City Clerk presented a bill, Bill No. 2013'46 for an ordinance entitled:

**An Ordinance authorizing the Mayor of the City of Maryville, Missouri, to execute a contract with Keller Construction Company, for the purpose of providing asphalt milling and overlay services, for the 2013 Asphalt Overlay Project, Maryville, Missouri.**

Each year the City of Maryville budgets for asphalt mill and overlay to improve street quality within the community. Staff reviews pavement conditions based on a street condition index and presents council a list of street segments recommended for overlay.

On April 22<sup>nd</sup> the City Council discussed options and approved staff to proceed with an asphalt mill and overlay for a portion of Walnut Street with FY 2013 funds. Walnut Street from Lincoln to 12<sup>th</sup> is in relatively Poor to Very Poor quality throughout the corridor. The proposed project consists of a 4" mill and placement of 2" of new asphalt along Walnut Street from Lincoln to 1<sup>st</sup> Street. City staff will work with the selected contractor for additional time to repair critical curb sections before asphalt is laid. Improvements to curbs for storm drainage and a 4" mill will improve the roadway life and quality.

Bids on the project were opened on May 24<sup>th</sup>, from Keller Construction Co., at sixty-two thousand nine hundred eighty-five dollars (\$62,985.99) and Herzog Contracting Company for seventy-one thousand five hundred dollars (\$71,500.00). The FY 2013 budget contains \$100,000 for asphalt mill and overlay.

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 a contract with Keller Construction Company for asphalt milling and overlay services. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7530 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2013-31.

#### **CONTRACT WITH R/S ELECTRIC CORP FOR THE PURCHASE AND INSTALLATION OF NEW MOTORS AND VARIABLE FREQUENCY DRIVES**

The City Clerk presented a bill, Bill No. 2013'47 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 purchase and installation of new motors and variable frequency drives for the water intake at Mozingo Lake, Maryville, Missouri**

In December of 2012, the City of Maryville entered into an agreement with the Missouri Department of Natural Resources to participate in the *Energize Missouri Water Loan* Program for energy savings improvements to the water intake system at Mozingo Lake. PeopleService, Inc. assisted staff in obtaining a low interest loan of \$154,029 to install energy efficient motors and variable frequency drives (VFDs) on pumps to supply raw water to the Maryville Water Treatment Plant. Annual repayments of the loan will be derived solely from energy savings or avoided costs.

The project includes the installation of three (3) 100 HP motors, three (3) 100 HP Square Variable Frequency Drives (VFDs), and the needed SCADA programming to run the equipment from the water treatment plant. It is estimated that the project will result in a financial savings of approximately \$21,000 annually. The savings estimate was calculated by an engineer from the Department of Natural Resources.

Bids for the project were opened on May 9<sup>th</sup> with bids received from R/S Electric, seventy-eight thousand four hundred ninety dollars (\$78,4980); Mid –America Pump, fifty-six thousand two hundred eight dollars, (\$56,208.00); Douglas Pump Service, Inc., at fifty-nine thousand seven hundred fifty-four dollars (\$59,754.00).

It was noted that R/S Electric provided the only bid that included the necessary SCADA program to operate the equipment from the plant.

It was recommended by staff that Council approve a contract with R/S Electric to provide the sale and installation of the new motors and variable frequency drives on pumps to supply raw water to the Maryville Water Treatment Plant.

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 Riedel to approve a contract with R/S Electric Corp for the purchase and installation of new motors and variable frequency drives for the water intake at Mozingo Lake. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Riedel, yea; Councilman Moss, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7531 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and the agreement was identified as Contract No. 2013-32.

#### **RE-APPOINTMENT OF LORETTA KISSINGER TO THE MARYVILLE HOUSING BOARD**

Maryville Housing Board had member who's term was set to expire June 1, 2013. Loretta Kissinger was initially appointed to the Maryville Housing Board in 1989 and has expressed desire to serve another term.

It was recommended by the Council that upon expiring terms of a city board member, to advertise or make know to the public the opportunity to run for a position on the city boards.

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, to re-appoint Loretta Kissinger to the Maryville Housing Board for another four (4) year term, serving until June 1, 2017. 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**

- Liaison Danen Merrill thanked the Council for the working with Northwest Missouri State University (NWMSU) and others on the age limit for entering a bar. The University is working on a pilot program to expand the Safe Rides program. Ten thousand dollars have been designated for the expansion of the Safe Ride program.

##### **II. City Manager:**

- The Munn Avenue Street Improvement Project has experienced some delays due to weather and the discovery of a soft sub-grade issue. Council will be informed of the solution and why this was not We will be approaching A broken line was also discovered.
- A progress meeting was held regarding the South Depot Street Project to ensure the Contractor and Engineers were in unison with the project. Project is ready to move forward.
- Hospital trails project is 60% complete and moving forward.
- City Manager McDanel, Asst. City Manager Heiland and Lee Langerock attended the ICSC Convention in Las Vegas, Nevada. They made good contacts and spoke with several investors interested in the proposed lodge/conference center at Mozingo Lake Recreation Park.

- A City wide cleanup is scheduled for the week of June 3-6, making one pass around the community to pick up unwanted items. The pickup schedule will be the same as years past. Monday – Northeast, Tuesday – Southeast, Wednesday – Northwest and Thursday – Southwest. One trip around town will be the limit.

**III. Council Members:**

- Assistant Manager Ryan Heiland and staff were commended on their promotional efforts of Mazingo Lake Recreational Park, Golf Course..
- Due to the rains received the lake should be full or close to being full.

**EXECUTIVE SESSION**

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

City Council met in closed session to discuss the Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo, Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Fall, seconded by Councilwoman Moss to come out of executive session. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilman Fall, yea; Councilwoman Riedel, yea; Mayor Jonagan, yea. Motion carried.

**ADJOURNMENT**

Motion was made by Councilman Jonagan seconded by Councilwoman Riedel 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 8:50 p.m..

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James R. Fall, Mayor

ATTEST:

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Sheila Smail, City Clerk