

Maryville City Council
Regular Scheduled Meeting
October 14, 2013
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, October 14, 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, Jeff Funston and Renee Riedel. Others present were City Manager Greg McDanel, Asst., City Manager Ryan Heiland, City Attorney Doug Thomson; Dir., Finance Denise Town; Dir., Public Safety Keith Wood, Student Liaison Dannen Merrill and City Clerk Sheila Smail.

Mayor Fall prefaced the meeting announcing that there will be no discussion regarding the recent article in the Kansas City Star, regarding an investigation and arrest made by the Nodaway County Sheriff's Department and the Nodaway County Prosecuting Attorney's Office.

PLEDGE TO THE FLAG

Mayor Fall led the pledge to the flag.

INVOCATION

Councilman Moss gave the invocation.

APPROVAL OF THE AGENDA

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

Motion was made by Councilman Funston, seconded by Councilwoman Riedel, 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.

APPROVAL OF MINUTES

Mayor Fall requested any changes to the minutes of the regularly scheduled City Council meetings held on September 9 and 30, 2013 and Budget Sessions for June 24 and September 5, 2013, be noted at that time.

Motion was made by Councilman Jonagan, seconded by Councilman Moss, that the minutes be approved as presented. 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.

PROCLAMATION PRESENTED TO THE BUSINESS WOMEN OF MISSOURI

Mayor Fall read and presented a proclamation to the Maryville Business Women of Missouri, proclaiming October 20-26, 2013 as "Business Women of Missouri" week. There were several members present to accept the honor.

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 asked to state their name and address for the record. No persons appeared to be heard.

TREASURER'S REPORT

During the month of September 2013, only one (1) notable receipt of non-recurring revenue was received from a HERO grant reimbursement (\$83,065.40)

Non-recurring disbursements for the month of September 2013 included payment to Andrew Spire Construction for the Hospital to Middle School trail (\$10,980.00); Keller Construction, for the Walnut Street overlay project (\$92,245.00); HDR Engineering for the Wastewater Treatment Facility Improvements (\$14,062.24); Vermeer Sales and Services for the purchase of a brush chipper (\$24,761.88); Smith Contracting, for the Water/Sewer Maintenance Building (\$14,720.00) and SK Design for the 4th Street Improvement Project (\$27,033.70).

Motion was made by Councilman Funston, seconded by Councilman Moss, to approve the Treasurer's Report as presented. Upon the 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.

PAYMENT VENDOR SCHEDULE

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

ISSUANCE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS

The City Clerk presented a bill, Bill No. 2013'84 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$13,750,000 PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013, OF THE CITY OF MARYVILLE, MISSOURI; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO

On April 3, 2012, the voters of Maryville approved a ballot question allowing the City of Maryville to issue combined waterworks and sewerage system revenue bonds in the amount of \$13,750,000 for the purpose constructing the new mechanical wastewater treatment plant. On July 22, 2013, the City Council approved a contract with David E. Ross Construction Company to construct the Maryville Wastewater Treatment Plant in an amount not to exceed \$11,438,800.00. With the approved construction contract, engineering, land acquisition, and 5% construction contingency, the estimated total cost of the project is \$13,981,122.

In July 2013, Piper Jaffray, as financial advisor to the City, circulated a request for proposals to three investment firms and four national and regional commercial banks for underwriting services or a direct placement of the City's upcoming bond issue. During the August 26, 2013 council meeting, an ordinance was adopted to enter into an agreement with Edward D. Jones & Company, L.P. to provide underwriting services for the issue.

Attorneys at Gilmore & Bell worked with staff and Piper Jaffray to develop a preliminary official statement which was provided to the team at Edward D. Jones & Company. A rating conference call with Standard & Poors was held on September 20, 2013, which resulted in a bond rating of AA- with a stable outlook.

Edward D. Jones & Company informed the City of its plan to initiate pre-marketing through their Maryville offices on October 9th, and to open pre-marketing to all of their Missouri offices on October 10th, in order to be in a position to lock the rates on Friday, October 11th – with verbal approval of the City and its Financial Advisor, in anticipation of formal approval at the city council meeting on October 14, 2013. At the end of the day on October 9th, they had \$4.8 million of customer indications from the local Maryville offices.

Jack Dillingham from Piper Jaffray presented an overview of the process and results, including a discussion of the various legal documents and agreements into which the City would enter into upon approval by Council Members.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Moss, seconded by Councilman Jonagan to approve Council Bill No 2013'84 to approve the issuance of thirteen million seven hundred fifty thousand dollars (\$13,750,000) principal amount of combined Waterworks and Sewerage System Revenue Bonds, Series 2013. Upon roll being called, the vote was as follows: Councilwoman Riedel, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilman Funston, yea; Mayor Fall, yea. Motion carried.

Said bill was then numbered Ordinance No. 7565 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

SUPPORT AND AUTHORIZATION TO PROCEED WITH JUNIOR COURSE AT MOZINGO LAKE

The City Clerk presented a bill, Bill No. 2013'85 for a resolution entitled:

A RESOLUTION TO SUPPORT AND AUTHORIZE THE JUNIOR COURSE AT MOZINGO LAKE COMMITTEE TO OVERSEE FUNDRAISING, DESIGN, AND CONSTRUCTION OF THE JUNIOR GOLF COURSE AT MOZINGO LAKE RECREATION PARK, MARYVILLE, MISSOURI

A group of ad-hoc community members, represented by Bruce Twaddle, have developed a plan to work with the City of Maryville to construct a Junior Golf Course at Mozingo Lake Recreation Park. The group presented the concept to the Mozingo Advisory Board on March 18th and the City Council on April 8th. Both the advisory board and council were unanimously in favor of the group moving forward with fundraising for the Junior Golf Course. The group's support has grown and they are now officially recognized as the Junior Course at Mozingo Lake Committee.

The committee has a vision of partnering with the Tom Watson Golf Course Design Group to build a nine-hole course for Junior Golfers that will serve as a model for other communities across America. The course is proposed to include a combination of par 3's, 4's, and 5's each with three sets of tees that challenge youth of all ages and abilities. The

course will be built to the United States Golf Association specifications with irrigated fairways, regulation size greens and bunkers which all reflect the championship style and grooming of the parent golf course at Mozingo Lake. The length of the course will vary from 1200-1600 yards and the length of the holes from 47-320 yards. The proposed location is on City property located just North of the Mozingo Lake Golf Course parking lot and East of Hole #10, bordered on the East side by Liberty Road. It is anticipated that approximately 30 acres will be required to build the proposed junior course.

The committee is attempting to partner long-term with the First Tee of Greater Kansas City to become an affiliate chapter in order to provide a junior golf instructional program. The First Tee's mission is to "impact the lives of young people by providing educational programs that build character, instill life-enhancing values and promote healthy choices through the game of golf." Through volunteers and utilizing interns from Northwest Missouri State University, the committee will provide golf education to all children ages 7-18 in Nodaway County and the immediate region. The program will also be offered to all schools in the region and emphasize First Tee's Nine Core Values: Honesty, Integrity, Sportsmanship, Respect, Confidence, Responsibility, Perseverance, Courtesy, and Judgment. Irrespective of economic and social status, the committee and junior golf instructional program will serve all youth to ensure participants obtain golf clubs, bags, tees, balls, etc. The roles and responsibilities of the junior golf instruction programs will be outlined in a separate Memorandum of Understanding to be executed at a later date by the Junior Course at Mozingo Lake Committee and the Maryville City Council.

Conversations with the Tom Watson Design Group have been ongoing regarding the layout of the Junior Course and potential involvement from the group on project design. Legendary Golfer Tom Watson visited Mozingo Lake Recreation Park on October 2, 2013 and walked the site to provide input on the junior course layout. The committee is continuing discussions with the Tom Watson Design Group regarding the firm's participation as a donation to the project.

The proposed resolution supports and authorizes the Junior Course at Mozingo Lake Committee to oversee the fundraising, design, and construction of the Junior Golf Course at Mozingo Lake Recreation Park. According to the resolution the committee operates as the decision making authority for the Junior Course design and construction with routine advisement and consent provided by Maryville City Council. Discussions with city staff and committee have resulted in an expectation of a bi-monthly update from the committee and a presentation/discussion to the City Council when significant milestones are met, such as when the construction schedule outlined or fundraising is nearing completion.

The estimated budget for construction by Mid-America Golf and Landscape, Inc. is five hundred twenty-one thousand dollars (\$521,000). The committee has begun fundraising and approved to utilize the 501(c) (3) status of Nodaway County Economic Development, a nonprofit corporation. Funds for design and construction will be donated along with significant in-kind donation of services. As the junior course will remain property of the City, staff will assume ongoing operational maintenance. Golf Course Manager Ron Darnell has estimated these expenses at thirty-five thousand dollars (\$35,000) annually, which should be partially offset by associated revenues.

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.

Motion was made by Councilman Moss, seconded by Councilwoman Riedel to approve Council Bill No 2013'85 to supports and authorizes the Junior Course at Mozingo Lake Committee to oversee the fundraising, design, and construction of the Junior Golf Course at Mozingo Lake Recreation Park. 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 Resolution No. 602 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

MEMBERSHIP/SERVICES WITH NW MISSOURI REGIONAL COUNCIL OF GOVERNMENT

The City Clerk presented a bill, Bill No. 2013'86 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT FOR MEMBERSHIP AND SERVICES WITH NORTHWEST MISSOURI REGIONAL COUNCIL OF GOVERNMENTS

Northwest Missouri Regional Council of Governments has provided vital services to the City of Maryville for many years. Services include Technical Assistance Programs, Coordination Programs, Inquiry Services and Data Mining. As a member, each local government contributes a per capita fee. These funds are then used to match state and federal dollars to support the agency services. The City of Maryville is asked to contribute thirty-five cents per citizen identified in the 2010

U.S. Census, which is eleven thousand nine hundred seventy-two (11,972), making membership and services fees a total of four thousand one hundred ninety dollars and twenty cents (\$4,190.20).

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 Moss to approve Council Bill No 2013'86 to enter into an agreement with the Northwest Missouri Regional Council of Governments for membership and services for fiscal budget 2014. 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. 7566 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. 2013-50.

CONTRACT TO PURCHASE A HYDRAULIC BREAKER, VICTOR L. PHILLIPS COMPANY

The City Clerk presented a bill, Bill No. 2013'87 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH VICTOR L. PHILLIPS COMPANY, FOR THE PURPOSE OF PURCHASING AN OKADA ORV 1300 HYDRAULIC BREAKER, MARYVILLE, MISSOURI

The Water/Wastewater Maintenance Division of Public Works budgeted \$20,000 for the purchase of a hydraulic breaker from the Water/Wastewater Fund in the FY 2013 budget. Proposals were received from Victor L. Phillips Company, for an Okada ORV 1300, at eighteen thousand six hundred eighty-five dollars (\$18,685.00) and G.W. Van Kepple Company, for a Rammer 555, at ten thousand four hundred eighty-eight dollars (\$10,488.00), but did not meet all bid specification or include all options. The bid process was not completed until late September with Victor L. Phillips Company, being considered the best bid. The Okada ORV 1300 Hydraulic Breaker and attachments will be utilized to open areas of concrete and make necessary infrastructure repairs. The City's current breaker is inoperable and this item is necessary to continue to allow the crew to be as efficient as possible.

The FY 2014 budget includes \$12,500 for this purchase that was rolled over from FY 2013. The intention was to include \$18,685.00 in the FY 2014 budget and was an oversight by city staff. The additional \$6,185.00 is being proposed as split equally from line items 73-74-3-307-00 and 70-72-3-307-00 in the Water/Wastewater Fund.

Staff recommended to the City Council to approve the proposed ordinance to execute a contract with Victor L. Phillips, Co. for the purpose of purchasing an Okada ORV 1300 Hydraulic Breaker. The purchase replaces an obsolete piece of equipment in the Water/Wastewater Maintenance Division and will allow the crews to become more efficient in concrete removal.

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 Funston to approve Council Bill No 2013'87 to enter into an agreement with Victor L. Phillips Company, for the purpose of purchasing at hydraulic breaker for the Water/Wastewater Maintenance Department. 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 numbered Ordinance No. 7567 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. 2013-51.

RECREATIONAL TRAIL PROJECT AGREEMENT WITH MDNR, MOZINGO TRAIL EXTENSION

The City Clerk presented a bill, Bill No. 2013'88 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH THE MISSOURI DEPARTMENT OF

NATURAL RESOURCES, TO CONSTRUCT A CONCRETE TRAIL EXTENSION AT MOZINGO LAKE RECREATION PARK

The Missouri Department of Natural Resources had notified the City of Maryville that our application to the FY 2013 Recreational Trail Program (RTP) Grant had been approved in the amount of \$100,000. The application outlined a project to extend an 8' wide concrete trail system at Mozingo Lake Recreation Park for a distance of 1,752 linear feet. The city's grant match will come from the utilization of maintenance labor and equipment at an amount valued at \$36,734, for a total project cost estimated at \$136,734. The trail extension will provide a loop beginning at the RV Park near the west end of the existing trail and stretching southeast ending near the entrance of the primitive camping area. Two (2) benches were included in the application to provide rest areas and utilize scenic lake views at the southwest portion of the trail extension.

Staff recommended to the City Council to approve the proposed ordinance to execute a Recreational Trails Program Project Agreement with the Missouri Department of Natural Resources for the purpose of constructing a concrete trail extension at Mozingo Lake Recreation Park. Execution of the agreement will provide \$100,000 towards the project and allow staff to schedule in-house construction early next spring. According to the grant application, the project is to be built no later than October 2014. City staff has received many requests from park users and local citizens to construct a looped portion in the trail system to improve the functionality of the trail.

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Moss, seconded by Councilman Funston to approve Council Bill No 2013'88 to enter into an agreement with the Missouri Department of Natural Resources for the construction of an extension to an existing concrete trail at Mozingo Lake Recreation Park. 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. 7568 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. 2013-52.

CHANGE ORDER NO. 2, CONTRACT FOR MUNN AVENUE STREET PROJECT, ORR CONST

The City Clerk presented a bill, Bill No. 2013'89 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE CHANGE ORDER NO.2, OF A CONTRACT BETWEEN THE CITY OF MARYVILLE, MISSOURI AND ORR CONSTRUCTION MANAGEMENT TO PROVIDE ADDITIONAL PROJECT SERVICES, ON THE MUNN AVENUE STREET IMPROVEMENT PROJECT, MARYVILLE, MISSOURI

The Munn Avenue Improvement Project is under construction by contractor Orr Construction Management. The project had an original contract price of \$2,121,975.15 with an initial substantial completion date of October 15, 2013. Change Order No. 1 was approved on April 8, 2013 in an amount of \$11,213.14 to increase the total contract price to \$2,133,188.29. The change order approved a new 8" water line crossing near the south drive of the Maryville High School which was omitted from the plans.

During demolition of the existing roadway an unsuitable sub-grade was discovered for the majority of the project. The sub-grade was compromised due to improper fill material used during the original construction and the lack of a storm sewer system to divert drainage from the base. While it is true the sub-grade condition should have been discovered before bid, the replacement of the sub-grade was deemed necessary for the proper construction of the project. The new fill material will ensure the concrete lies on an appropriate base and increase the life span of the roadway. The City Council approved a motion on June 24, 2013 for hauling off unsuitable sub-grade material and the purchase and fill of rock material in an amount not-to-exceed \$465,667.00. This amount was reflected in the FY 2014 budget and partially offset with the postponement of the Beal Park Trail, Phase F, STP-9900 (111) project construction.

As the project winds down, Change Order No. 2 is proposed to handle the remaining adjustments during construction. Change Order No. 2 is an increase to the total contract in the amount of \$30,191.45 and is detailed in the chart below:

| Item | Amount | Comment |
|--|--------------------|--------------------------------------|
| RCP to Polypropylene Storm Pipe | (\$7,878.61) | Cost savings/Ease of installation |
| Delete 18 LF 8" Waterline | (\$1,467.00) | Expected conflict avoided |
| Delete 20 LF 8" Waterline | (\$1,630.00) | Expected conflict avoided |
| Delete 258 LF 8" Waterline | (\$21,027.00) | Expected conflict avoided |
| Delete 15 LF 8" Waterline | (\$1,222.50) | Expected conflict avoided |
| Delete 239 LF 8" Waterline | (\$19,478.50) | Expected conflict avoided |
| Add 645 LF 8" Waterline | \$52,567.50 | Moved waterline to opposite side |
| Add waterline service transfers | \$11,200.00 | Connections to new line |
| Add 2 8" gate valves on South end | \$5,500.00 | Improves isolation & flushing |
| Mozingo Lake soil excavation & testing | \$2,280.00 | Attempt to locate sub-grade material |
| Equipment rental for disking sub-grade | \$5,790.00 | Attempt to dry sub-grade |
| Add 90.22 SY of concrete | \$5,557.56 | Highland Ave tie-in |
| Total | \$30,191.45 | |

Orr Construction Management has completed the additional work listed above for line item amounts according to the contract for a net total cost of \$30,191.45. Change Order No. 2 increases the total contract price to \$2,163,379.74.

Staff recommended approval of the ordinance to execute Change Order No. 2 with Orr Construction Management to finalize payment for additional services provided throughout construction on the Munn Avenue Improvement Project. Change Order No. 2 replaced necessary waterline infrastructure once it was determined that the waterline could be placed without being in conflict of the storm water system. The change order includes attempts to solve the sub-grade solution prior to material replacement and a concrete tie-in section for Highland Avenue which became necessary to ensure a smooth transition.

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 Moss to approve Council Bill No 2013'89 to enter into an agreement with the Northwest Missouri Regional Council of Governments for membership and services for fiscal budget 2014. 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. 7569 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and made a part of the original agreement, identified as Contract No. 2013-01.

CONTRACT OF OBLIGATION, WITH DEPARTMENT OF NATURAL RESOURCES, FINANCIAL ASSURANCE INSTRUMENT, SANATARY LANDFILL

The City Clerk presented a bill, Bill No. 2013'90 for an ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT OF OBLIGATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

The Missouri Department of Natural Resources (MDNR) issues permits to operate sanitary landfills, which are governed by the Code of State Regulations. These laws require the City to submit a financial assurance instrument (FAI) for post-closure costs to ensure compliance with these regulations. Municipalities may satisfy the requirements by signing a contract of obligation for the full amount of the approved 30 year post-closure care cost estimates and passing a financial test comprised of various ratios and information. This contract allows MO DNR to collect the required amount from any funds being disbursed by Missouri to the City to cover the post-closure care costs should the City be in non-compliance with the State.

MDNR reviews the FAI annually to update it for inflation and requires it be adjusted to reflect the present value of the requirement. The new FAI amount for the City of Maryville is \$1,966,054, which represents an increase of \$28,482 from 2012.

Staff made recommendation to the City Council to approve the ordinance to execute a contract of obligation with the Missouri Department of Natural Resources for purposes of fulfilling the City's financial assurance instrument as required by State law.

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 Funston to approve Council Bill No 2013'90 to enter into an agreement with the Missouri Department of Natural Resources, for purposes of fulfilling the City's financial assurance instrument as required by State law. 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. 7570 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. 2013-53.

APPOINTMENT OF ED ENSMINGER TO NW MO REGIONAL AIRPORT BOARD

The Northwest Missouri Regional Airport Board had met few times in the past few years and we would like to get it back on track with reappointments of current members. With the exception of Jim West and Kris Frankum, who no longer wish to serve, staff recommended the re-appoint of Members Bud Boyles, Jim Cox, Bruce Twaddle, Brian Schieber and Matt Baker to their perspective terms. Two (2) vacancies remain on the Northwest Missouri Regional Airport Board.

An application had been submitted by Ed Ensminger expressing his interest in serving on the Northwest Missouri Regional Airport Board. Staff recommended Mr. Ensminger be appointed to a three (3) year term.

Motion was made by Councilman Jonagan, seconded by Councilwoman Riedel to approve reappoint current Members Boyles, Cox, Twaddle, Schieber and Baker and to appoint Ed Ensminger as a new member of the Northwest Missouri Regional Airport. 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.

REPORTS

I. Student Liaison

- *Fall Classic.* Student Liaison Merrill reported the upcoming Fall Classic, where Northwest Missouri State University (NWMSU) football team plays Pittsburg State at Arrowhead Stadium, on Saturday, October 19, 2013.
- *NWMSU Homecoming.* NWMSU's Homecoming game will be held on October 26, 2013.
- *Fall Concert.* The Fall Concert will be held early November.

II. City Manager

- *Unsafe & Dangerous Structure Removal*-The Board of Code Appeals met on October 3, 2013 at 5:00 p.m. in the City Council chambers to hear testimony regarding the condition of structures located at 419 E. 3rd Street, 212 W. 6th Street, and 522 South Walnut Street. Upon hearing the facts, the board reaffirmed the City staffs determination of substandard for the structures beginning a sixty (60) day time period for property owners to make repairs or remove the structure. If no action is taken within the time provided, the City of Maryville may remove the structures at by its own methods according to the municipal code.
- *Standard & Poor's Rating Call*-On Friday, September 20, 2013 Finance Director Denise Town, Public Works Director C.E. Goodall, and City Manager Greg McDanel took part in a rating call for the \$13,750,000 Combined Waterworks & Sewerage System Revenue Bonds, Series 2013. Standard & Poor's Rating Services facilitated the call and reviewed all relevant financial information, material changes to the operational system, and general community direction and outlook. Standard & Poor's Rating Services then assigned a rating of "AA-" and views the outlook for this rating as stable. The rating reflects their assessment of the system:
 - Role as an area service provider and regional economic center
 - Very good financial position backed by strong debt service coverage and liquidity levels; and
 - Low debt-to-plant ratio, which is expected to rise; however, there are no significant needs beyond the current bond issue.
- *Mozingo Lake Recreation Park Haunted Campground* - The 2013 Mozingo Lake Haunted Campground is scheduled to be held October 19, 2013, with events beginning at 1:00 p.m. Pumpkin Chuckin begins at 1:00, Pumpkin Carving and Face Painting at 2:00 p.m. with Trick or Treating from 5:00 p.m. to

7:00 p.m. There will be a decorating contest for RV sites and pumpkins on hand for sale. Girl Scout Troop #8307 will be running a food drive. Participants are encouraged to bring canned food to help the cause. For more information participants were asked to call 660-562-2323 or organizers Tom & Twyla Martin at 660-582-5667,

- *Smoke Testing* -A preliminary meeting with Trekk Design Group, LLC was held on October 11, 2013 at 2:00 p.m. Trekk will begin smoke testing services by November 1, 2013, weather permitting. The project timeframe is scheduled to be completed in 120 working days, with a potential work stoppage when weather is not conducive for smoke testing. Work will recommence in the spring when weather conditions have improved. A schedule of the order of areas for testing will be submitted before work begins.
- *Wastewater Treatment Plant Improvements* -David E. Ross Construction continues to work diligently on the dirt work portion of the project. They estimate that they are approximately 30 days ahead of schedule, at this point. The dirt work will be completed this fall with construction beginning in early spring to allow time for the dirt to settle. Construction will be complete in early 2015 and the new plant will be fully operational under the new Department of Natural Resource permit by July 1, 2015.
- *Variable Frequency Drive project at the Water Intake* -RS Electric Co. has been working on the variable frequency drive project for a few weeks and plans to have it completed before the end of October. This is an energy savings project that will allow the water plant operator to adjust the process of water pumping to the plant and will put less pressure on the water line by utilizing the variable frequency drives.
- *Munn Avenue Street* -The complete roadway surface has been opened and seems to be working well. Paving of the Trail along the new roadway is scheduled for this week, with driveway surfaces to follow.
- *Water Main Replacement Project* -White Cloud Engineering and Construction Company has begun the installation of a new water main along 136 Highway. The project will eliminate several sections of poor water line where leaks have occurred in the past. Crews are working to install line on the south side of 136 Highway and will coordinate with businesses to avoid access issues. Also, the contractor will be working with the water plant staff to prepare for the tie in to the existing water line near the plant.
- *Tee Time Magazine Article* – Tee Time Magazine published an article about Mazingo Lake Recreation Park Golf Course.

III. Council

- *New Golf Carts.* A remark was made regarding the new golf carts and how well they liked them.

ADJOURNMENT

Motion was made by Councilman Jonagan, seconded by Councilman Funston to adjourn the meeting. 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.

Meeting was adjourned at 9:05 pm.

James R. Fall, Mayor

ATTEST:

Sheila Smail, City Clerk