

**Maryville City Council**  
**Regular Session**  
**September 27, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, September 27, 2010, 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 Jackson and the roll was called by the City Clerk, with the following present to-wit: Mayor Chad Jackson, Council Members Glenn Jonagan and Shawn Wake were present. Council Member Patricia Cummings arrived at 7:10 p.m. Ronnie Moss was absent. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson, Dir., Finance Denise Town; Dir., Public Safety Keith Wood, and City Clerk Sheila Smail.

**PUBLIC HEARING – 2010-2011 FISCAL YEAR BUDGET**

Mayor Jackson opened the public hearing for citizens to be heard regarding the proposed 2010-2011 fiscal year budget. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jackson closed the Public Hearing.

**PLEDGE TO THE FLAG**

Maryville Library Director Stephanie Patterson led the pledge to the flag.

**INVOCATION**

No invocation was given.

**PUBLIC LIBRARY UPDATE AND BUDGET REVIEW**

Library Director Stephanie Patterson reported an increase in participants in the early literacy classes, Family Literacy Night, Summer Reading Program participation and , the use of board book circulation. She also noted that the book circulation rate and computer use has increased considerably. Library staff plans to provide Small Business and Career Development, continuing pre-literacy skills in infants, toddlers, and preschoolers, and programs for adult literacy. The balanced budget was presented.

**APPROVAL OF THE AGENDA**

Mayor Jackson requested any changes needed to the agenda, be noted at this time. Motion was made by Councilman Wake, seconded by Councilman Jonagan, that the agenda be approved as presented. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

**CITIZENS TO BE HEARD**

Mayor Jackson 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.

**SOUTHDALE GREENSPACE**

Councilman Jonagan stated that a proposed section of land, approximately 7 acres, located on the east side of Southdale Subdivision, along Peach Creek, is being offered to the City for development of a green space or park. Melvin and Ann Gibson, owners of the land, have agreed to pay for survey costs, to have some of trees, brush and debris cleared along the creek, especially on the south end. An easement will need to be realized for sewer lines. It was suggested that this area could be incorporated into the trails projects.

City Attorney Thomson warned the Council to beware of the liabilities that may come along with the acquisition of the proposed greenspace. He added that it could result in a similar situation as the Parkdale Subdivision, after the 2007 ice storm, where residents asked the city to clean out Peach Creek in that area to allow water to flow. It was determined at that time that Peach Creek was a part of the private properties on either side and that it was the property owner's responsibility.

Councilman Jonagan and City Manager LeCerf will visit the site and communicate with Mr. and Mrs.

Gibson to develop an agreement in writing for a possible transaction of the land.

**ENHANCED ENTERPRISE ZONE (EEZ)**

Previous discussion of the Enhanced Enterprise Zone (EEZ) was to determine how the City might provide incentives in the structuring of an EEZ. City Manager LeCerf reminded the Council that the City had initially opted out when the invitation to join with the County to form an EEZ. It was suggested that it would be the County’s place to lead the initiative and the City of Maryville should act as a participant in the dialogue and structuring of the EEZ.

The City Council and City Manager reviewed suggested items to be considered in forming and operating an EEZ. After determining a qualifying zone for the EEZ, it is in effect for 25 years. The first step would be the composition of the board. It was recommended that since Maryville is the largest municipality in Nodaway County in terms of area and population, that the City has a representative on the board at all times.

The purpose for establishing the EEZ, at this time, is to offer an incentive in conjunction with the development of wind turbines in Nodaway County, even though the wind turbines will not have any direct effect on the City financially. Eligibility for the EEZ would be based on their respective NAICS Code. Each NAICS Code is included in the initial enabling ordinance. Although there is an interest to provide an incentive to develop wind turbines, discussion should also be had to determine if other NAICS Codes should be added prior to the ordinance adoption. Adding NAICS Codes can be accomplished by giving that responsibility to the EEZ Board or requiring the decisions to add business types to be determined by the respective elected officials of the various governmental entities.

Discussion will need to occur regarding the terms of percentage of tax abatement incentive on real property on the increase in assessed value or improvements. Contact will be made with Nodaway County to begin discussions in developing an EEZ.

**ENHANCEMENT PROJECTS**

City Manager LeCerf stated that in late August the City received notice from the Missouri Department of Transportation that additional Transportation Efficiency Act funds are available. Submission of Application is due December 1, 2010. City Manager LeCerf reviewed the various trails projects that the City has undertaken by similar funding opportunities. He stated that he would like to get started on making application and making contact with the property owners in the proposed area to inform them of the plans if the Council was interested in pursuing it.

The City Council agreed that the City should move forward in attempting to secure funds for future projects.

**AMEND SECTION 110.280: CREATION, COMPOSITION, QUALIFICATIONS, MOZINGO BOARD**

The City Clerk presented a bill, being Bill No. 2010'81 for an Ordinance entitled:

**An Ordinance Amending Section 110.280: Creation, Composition, Qualifications, of Title I. Government Code, Chapter 110: Administrative Boards, Article V: Mozingo Lake Recreational Advisory Board, Article V: Mozingo Lake Recreational Advisory Board, to the Maryville Municipal Code, Maryville, Missouri**

At the August 23, 2010, City Council meeting the City Council requested that Section 110.280, of the Maryville Municipal Code be amended to exclude the Council Member representative as being one (1) of the nine (9) board members on the Mozingo Lake Recreational Advisory Board. The amendment was presented as request for consideration.

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 Wake, seconded by Councilman Jonagan, that Council Bill No 2010'81 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7250 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPOINTMENT OF NINE MEMBERS TO THE MOZINGO LAKE ADVISORY BOARD**

City Council Members received fifteen applications for the nine (9) member board. According to Section 110.280, of the Maryville Municipal Code, five of the nine (9) members must be residents of the City of Maryville and the remaining four (4) must at least live in Nodaway County. Within the fifteen (15) applications received, five (5) were residents of the City and ten (10) were not.

Motion was made by Councilman Jonagan, seconded by Councilman Wake, that Jim Fall (resident), Jon Gustafson (resident), and Michael Graham (resident), be appointed for a three year term. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Then a motion was made by Mayor Jackson, seconded by Councilwoman Cummings, that Ed Higdon, Lesley Schulte, and Bob Cooper be appointed for a two (2) year term. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

And finally, motion was made by Mayor Jackson, seconded by Councilman Jonagan, that Dale Mathes (resident), Alan Langley (resident) and Daniel Billings, be appointed for a one year term. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea, Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Once the first terms are complete, each member will serve a three (3) year term, thereafter.

It was later decided that Councilman Jonagan would serve as the liaison for the Council.

#### **AMENDMENT OF FISCAL YEAR BUDGET 2009-2010**

The City Clerk presented a bill, being Bill No. 2010'82 for an Ordinance entitled:

**An Ordinance Approving the Revised 2009-2010 Fiscal Year Budget of the City of Maryville, Missouri, Appropriating from the Revenue of the City Requisite Therefore and Providing for the Method of Adjustment Thereof**

Dir., Finance Denise Town explained that three (3) funds needed to be amended for the fiscal year 2009-2010 budget, due to total expenditures exceeding the original budget. The Community Center Construction Fund did not identify all specific projects remaining to be completed using the debt proceeds, so the difference was classified as "contingencies". During the year some of the projects were completed and others are still in progress. The amended budget reflects those changes and reduces the contingencies line item accordingly (\$82,794).

The Debt Retirement Fund amended budget reflected a net difference of zero, but reallocated a portion of contingencies to other expenditure line items. This was necessary due to higher than budgeted transfers to the TIF Fund for the sales tax collected in that fund.

The TIF Fund was amended to reflect a higher reimbursable project cost payment to Nucor-LMP, based on additional PILOT monies, as well as contingencies being reduced to offset the decrease from the original budget in transfers from the General Fund that were not necessary at that time (\$6,310).

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 Cummings, seconded by Councilman Jonagan, that Council Bill No 2010'82 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7251 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPROVAL OF FISCAL YEAR BUDGET FOR 2010-2011**

The City Clerk presented a bill, being Bill No. 2010'83 for an Ordinance entitled:

**An Ordinance Approving the 2010–2011 Fiscal Budget of the City of Maryville, Missouri, Appropriating from the Revenue of the City Requisite Funds Thereof and Providing for the Method of Adjustment**

City Manager LeCerf explained the overview provided of the proposed balanced budget for the fiscal year 2010-2011. The budget estimated the revenue for this period at \$24,096,643 and expenditures at \$26,981,180. The difference between the two is due to a number of funds that will be utilizing existing reserve funds from their respective funds. Most of the balances required are due to large capital projects that begin and possibly finish in this period. With others expenditures are higher than the revenues and reserve funds balance are used to budget the basic operations and maintenances required.

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 Cummings, seconded by Councilman Wake, that Council Bill No 2010'83 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7252 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AGREEMENT WITH TOWER INNOVATIONS TO DESIGN AND HOST CITY WEBSITE**

The City Clerk presented a bill, being Bill No. 2010'84 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Tower Innovations for the Purpose of Providing Services to Design and Host the City Website**

City Clerk Sheila Smail reported to the Council that nine (9) bids were received from the City's request for proposal. The committee narrowed down the bids to three top choices and the committee began researching the options available from each. The choice was soon narrowed down to two companies, CivicPlus, Manhattan, Kansas and Tower Innovations, Smithville Missouri. CivicPlus' Standard Package was comparable to that of Tower Innovations, except that CivicPlus' website design was template driven, while Tower Innovations' is completely a custom design. Tower Innovations offered many features included in the bid price, while CivicPlus charged additional fees for them.

Staff recommended to the City Council to enter into a contract with the lowest bidder, Tower Innovations, at a price of \$7,495 for the website development, an annual fee of \$1,500 for hosting and support, and a project timeline of 6-13 weeks.

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 Cummings, seconded by Councilman Wake, that Council Bill No 2010'84 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7253 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with contract noted as being Contract No 2010-39.

#### **AMENDMENT TO SECTION 205.140: LICENSING FEES, ARTICLE V: DOGS AND CATS**

The City Clerk presented a bill, being Bill No. 2010'85 for an Ordinance entitled:

**An Ordinance to Amend Section 205.140: Licensing Fees, of Title II. Public Health Safety and Welfare, Chapter 205: Animal and Fowl, Article III: Dogs and Cats, of the Maryville Municipal Code, Maryville, Missouri**

At the August 23, 2010, City Council meeting, it was suggested that the Council consider amending the ordinance regarding dog license fees, to allow for dogs that have been determined by a licensed veterinarian, to be too old or having health issues to be spay or neutered, be exempt from the additional \$20 cost for a dog license.

Section 205.140: Licensing Fees, currently waives the fee for a licensing fee if the animal is for the purpose of a "seeing-eye" dog. A request was made to expand that section to include other physical handicaps. In compliance with the ADA requirements, it was proposed to waive the licensing fee to any "service animal".

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 Cummings, seconded by Councilman Wake, that Council Bill No 2010'85 be approved as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7254 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CHANGE ORDER NO 1, CONTRACT-AQUATERRA ENVIRON., GROUNDWATER MONITORING**

The City Clerk presented a bill, being Bill No. 2010'85 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 1, of a Contract with Aquaterra Environmental Solutions for Groundwater Monitoring Services for the Year 2010, Maryville Sanitary Landfill**

It is required by the State that groundwater monitoring at the Maryville Sanitary Landfill be performed on a quarterly basis, as part of the landfill closure process. Monitoring well MW-15D has had some issues related to elevated chloride concentrations, so the Missouri Department of Natural Resources (MDNR) requires that more detailed studies be performed. The study has been approved by MDNR and a service contract was agreed upon the City and Aquaterra in December 2009. In accordance with this requirement they are asking the City to perform additional tests from MW-15D, with an additional cost of \$2,930, to be paid to Aquaterra for performing these tests.

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 Cummings, seconded by Councilman Jonagan, that Council Bill No 2010'86 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7255 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 contract, Contract No. 2009-50.

## **REPORTS**

### **City Manager**

- Leadership Maryville requested that this year's class meet with City Council and Administrative Staff prior to the Council meeting on October 11, 2010, at 6:00 p.m. to inform them of the various roles of the Mayor, Council, and Staff, in day to day operations of the City.
- A press release was issued to announce to the community that an informational meeting will be held on Thursday, September 30, at 5:30 p.m., regarding the construction, logistics, and timeline for the West 16<sup>th</sup> Street project. The meeting will take place at City Hall. All interested parties are urged to attend.
- The owner of the old Walmart building has made a request for a lot split, dividing the building in half. City Manager LeCerf asked the Council's permission for he and City Attorney Thomson to begin drafting an agreement with the owner regarding the separation of utilities, prior to establishing the second business in the building. Permission was granted.

### **Council Members**

- There will be a pre-bid conference held on October 4, at 10:30 a.m. to review the expectations for the Comprehensive Plan request for proposal. This meeting will be held at City Hall.
- Wednesday, October 6, is reportedly Hike or Bike to Work, day.
- Councilman Jonagan was appointed as the City Council representative for the Mozingo Lake Recreational Advisory Board.

## **EXECUTIVE SESSIONS**

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

City Council met in closed session to discuss Legal Action, Causes of Action or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys, as Authorized by Section 610.021(1) RSMo., Closed Meeting, Closed Record, Closed Vote.

Also discussed was 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.

Motion was made by Councilman Wake, seconded by Councilman Jonagan that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

## **ADJOURNMENT**

Motion was made by Councilwoman Cummings, seconded by Councilman Wake that the Council adjourned. Upon the roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wakes, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

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Sheila Smail, City Clerk

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Chad Jackson, Mayor