

**Maryville City Council**  
**Regular Session**  
**February 22, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, February 22, 2010, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

**PUBLIC HEARINGS**

- Mayor Jackson opened a public hearing regarding the acceptance of the preliminary Plat of the Gorman Hills Subdivision. Any persons wishing to speak for or against the issue were requested to come forward and state their name and address for the record. No persons appeared to be heard. Mayor Jackson closed the public hearing.
- Mayor Jackson opened the public hearing regarding the closure of the Children and Family Center Community Block Grant Project. Grant Administrator Jerri Dearmont, Northwest Missouri Regional Council of Government (NWMORCOG), facilitated the closeout hearing.

The grant was awarded May 2008 in the amount of \$300,000 for the purchase of a newer facility located at 1220 East Second Street in Maryville. The facility houses the Children & Family Center of Northwest Missouri which is a shelter for abused children and battered spouses.

Elizabeth Mullins was the Registered Architect on this project. Her services were all donated as in-kind match towards the grant funds which totaled \$5,200.

An environmental review was performed on the project by the NWMORCOG. It was determined the project would have no adverse effect on the environment and the State issued an "Authority to use Grant Funds" for this project in September 2008. This was one step that must be completed by any project before a grantee can advertise for construction bids.

The city procured for Professional grant administrative services in October 2008 and received only one proposal. The contract was awarded to RCOG in the amount of \$18,000.

After the Specifications and Plans were completed, the city procured for bids in May 2009. However, the first bids were over budget and Children and Family Center rejected both bids received. The specifications and plans were revised by deleting items the center would pay to have constructed. The second bidding was held in July 2009 and received four bids. The low bidder was Helsel Design and Construction from St. Joseph, MO in the amount of 55,722. The pre-construction meeting was held August 24, 2009 to review the project details and discuss responsibilities. Start of construction September 8, 2009.

Denise Derks, Compliance Specialist with the DED will conduct a monitoring on the project, March 8, 2010. Once this is all complete, the project can be closed.

**PROJECT DESCRIPTION:**

The project included the purchase of a newer facility to house the Children & Family Center of NW MO. Renovations were also made to the facility that included converting the existing attached two-car garage into office space, work center and a lobby. A new two-car detached garage was constructed on the back side of the property.

The Center installed a security system, privacy fence and parking lot as additional items towards this project not associated with grant funds (costs not included below).

Overall Total Project Costs	\$487,079.00
Helsel Design & Construction	\$ 55,844.00
Grant Administration	\$ 18,000.00
Acquisition	\$275,000.00
CDBG	\$300,000.00
Center – Cash	\$ 48,844.00
Architect & Center – In-kind	\$138,235.00 – Specs/plans and Inspection

With no further discussion, Mayor Jackson closed the public hearing.

## **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 Carole Coutts and Patricia Cummings were present. Council Members Shawn Wake and Ronnie Moss were not present. Others present were City Manager Matt LeCerf; Dir., City Attorney Doug Thomson, Dir., Public Safety Keith Wood, Dir., Public Works Greg Decker, Dir., Finance Denise Town and City Clerk Sheila Smail.

## **PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

## **INVOCATION**

An invocation was given by Councilwoman Cummings.

## **APPROVAL OF THE AGENDA**

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

## **AUDIT REPORT PRESENTATION**

Dir., Finance Denise Town introduced Mia Frommelt and Ms Kristin Hughes, McGladrey Pullen, Certified Public Accountants. A summary of the report prepared was a result of the audit performed. An Annual Financial Report, for the fiscal year ending September 30, 2009, was presented and reviewed. The City of Maryville, at the end of the 2009 fiscal year, had a reservation of well over the recommended sixty (60) to ninety (90) day cash reserve.

It was noted that the City of Maryville received the Certificate of Achievement for Excellence in Financial Reporting (CAFR), presented by the Governmental Financial Officers Association (GFOA), for fiscal year ending September 30, 2008. Upon review of this document, review comments were received from the GFOA review committee which must be addressed and remitted with the following year's CAFR. One of the comments received was regarding the treatment of the Maryville Public Library as a component of the City. After further review of the State Statutes and city files, it was determined that the Maryville Public Library was not a component unit of the City. The City Council has the authority to appoint Library board members, but there is nothing else that would qualify the library as a component unit of the City of Maryville. As a result the auditors issued a finding of significant deficiency in internal control.

## **PLANNING AND ZONING COMMISSION REVIEW OF R-2 ZONING ORDINANCE**

Dir., Public Works Greg Decker explained that the Planning and Zoning Commission met on February 3, 2010, to discuss the R-2 zoning ordinance, to determine a suitable definition of "family" and "accessory rental". After discussion, they agreed to recommend to the City Council to turn the review over to City Attorney Doug Thomson to find a definition for "family" that will best serve the City, checking for loopholes in the process. The Commission also recommended the removal of "accessory rental". The Council agreed with the recommendation.

City Attorney Thomson stated that the first step would be to renew the definition.

Paula Haataja, 635 West Third Street, asked if the definition of "family" would be the same for all zones or if it will vary.

It was discussed that after a satisfactory definition was determined, that a request for feedback could be made, possibly in the form of a public hearing or town hall discussion.

Mr. Bob Keirse, 928 West Second Street, stated that it should be taken into consideration that the

property owners have made investments in the real estate and that their investments should be protected.

It was discussed that perhaps a conscience could be reached by working with the University to zone an area for multi-housing, (i.e. several college students in a home) and the R-2 housing for families.

**REQUEST TO PURCHASE TWELVE NEW FIRE PAGERS, PUBLIC SAFETY, FIRE DEPARTMENT**

The City Clerk presented a bill, being Bill No. 2010'10 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Haug Communications, for the Purpose of Purchasing Twelve Fire Pagers, Maryville Public Safety, Fire Department**

The 2009-2010 Budget included \$6,300 for the purchase of pagers for the Public Safety, Fire Department. After gathering bids from Midwest Mobile, Haug Communications, and Delmmar Communications, it was determined that Haug Communications offered the best price at \$5,700 or \$475 each. This price included \$40 per unit for a three (3) year extended warranty.

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 Coutts, seconded by Councilwoman Cummings, that Council Bill No 2010'10 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7188 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-05.

**2010 SHOW ME GREEN SALES TAX HOLIDAY**

The City Clerk presented a bill, being Bill No. 2010'11 for an Ordinance entitled:

**An Ordinance Allowing the "2010 Show Me Green Sales Tax Holiday" to Apply to the Local Sales Taxes of the City of Maryville, Missouri, Between April 19 and April 25, 2010**

The City participated in the sales tax holiday for energy efficient appliances in 2009. The same is being made available for retail purchases of qualifying merchandise for the period of April 19 – 25, 2010.

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 Councilwoman Coutts, that Council Bill No 2010'11 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7189 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**CHANGE ORDER NO. 1, CONTRACT TO REPAIR PUBLIC SAFETY BUILDING, BILL FOSTER**

The City Clerk presented a bill, being Bill No. 2010'12 for an Ordinance entitled:

**An Ordinance Approving Change Order No.1, of a contract with Bill Foster Contractor and Building, LLC, for the Purpose of Repairs and Renovations of the North Wall of the Public Safety Building, Located at 222 East Third Street, Maryville, Missouri**

On December 14, 2010, Ordinance No. 7172, Contract No. 2009-58, was approved by the Maryville City

Council to have repair work done on the Public Safety Building, by Bill Foster Contractor and Building, LLC. The proposed Change Order No. 1 is for a deduction of \$260.00 from the contract for the installation of built-in blinds.

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 Councilwoman Coutts, that Council Bill No 2010'12 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7190 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPROVAL OF PRELIMINARY PLAT FOR GORMAN HILLS SUBDIVISION**

The City Clerk presented a bill, being Bill No. 2010'13 for an Ordinance entitled:

**An Ordinance To Approve a Preliminary Plat of Gorman Hills Subdivision, of Maryville, Nodaway County, Missouri, to Provide for Preliminary Plat Approval of Said Plat, to Authorize the City Clerk to Endorse Approval of the Council on the Plat and to Require a Report by the Public Works Director Upon Satisfactory completion of Said Improvements**

The Planning and Zoning Commission met on January 28, 2010 to review an application for a preliminary plat for Gorman Hills Subdivision. Gorman Hills Subdivision is located at the corner of North Water and East Fifth Street, and owned by Bill and Melody Schluter. Mr. and Mrs. Schluter requested to subdivide the property to create six (6) lots. With no infrastructure to consider, the Commission voted to recommend to the City Council to approve the proposed preliminary plat.

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 Coutts, seconded by Councilwoman Cummings, that Council Bill No 2010'13 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7191 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH KELLER CONSTRUCTION CO., ASPHALT MILLING/OVERLAY PROJECT**

The City Clerk presented a bill, being Bill No. 2010'14 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 2010 Street Improvement Project, Maryville, Missouri**

Bids were received by Keller Construction Company and Herzog Contracting, Corporation, for asphalt and overlay of portions of Mazingo Park Roads and selected streets inside the city limits as part of the 2010 Street Improvement Project. It was recommended by staff that the Council approve a contract with Keller Construction Company, at \$75 per ton for asphalt. Phase I will consist of the Mazingo Lake Park road work and Phase II will be the streets within the City limits, with a performance bond submitted for each phase.

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 Coutts, seconded by Councilwoman Cummings, that Council Bill No 2010'14 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings; yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7192 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-06.

**LETTER OF UNDERSTANDING, J. PATRICK MCLAUGHLIN, CITY'S PROSECUTING ATTORNEY**

The City Clerk presented a bill, being Bill No. 2010'15 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Letter of Understanding with J. Patrick McLaughlin, to Serve as City Prosecuting Attorney for the City of Maryville, Missouri**

A letter of understanding was presented for J. Patrick McLaughlin, to serve as the City's Prosecuting Attorney, until otherwise modified or determined.

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 Coutts, seconded by Councilwoman Cummings, that Council Bill No 2010'10 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7193 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-07.

**SUPPLEMENT NO. 1, CONTRACT WITH MO HWY & TRANSPORTATION, ARRA-ES01(002)**

The City Clerk presented a bill, being Bill No. 2010'16 for an Ordinance entitled:

**An Ordinance APPROVING Supplement No. 1 of a Contract with Missouri Highway and Transportation Commission, American Recovery and Reinvestment Act Transportation Enhancement Program Agreement, Project No. ARRA-ES01(002)**

Supplement No. 1 of Contract 2009-39, Adopted by the City Council on August 14, 2009, was proposed which would allow for addition funds for the project for up to \$284,421.34, with no matching funds, resulting in less money paid out of city funds.

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 Councilwoman Coutts, that Council Bill No 2010'16 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7194 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, being a part of the original contract, being Contract No. 2009-39.

## **REAPPOINTMENT OF MEMBERS TO THE AIRPORT BOARD AND EXTENSION COUNCIL**

City Clerk Smail reported that Bud Boyles and Bryan Twaddle's term as members of the Northwest Missouri Regional Airport Board had expired and proposed that they be reappointed for another three (3) year term.

Kirby Sybert, City Representative of the Nodaway County Extension Council, is set to complete his term at the end of February, but has agreed to serve another two (2) year term if approved by the City Council.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, to reappoint the members to their perspective boards. Upon roll being called the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

## **REPORTS**

### **City Manager**

- Drug Abuse Resistance Education (D.A.R.E.) graduation is scheduled for March 4, 2010, at 7:00 p.m., at the Ron Houston Performing Arts Center
- A request for confirmation of attendance to the Growing our Communities and MML Workshop, March 25, 2010, in Blue Springs, MO
- A letter was received from the County Commissioners to participate in the County EEZ. Council directed the City Manager to forward a letter to opt out of the EEZ by March 15, 2010. The city could create their own EEZ.

### **Council Members**

- Councilwoman Cummings stated that there is one more meeting scheduled to discuss the animal ordinance, then be reviewed by the Council prior to adoption with the re-codification of the entire municipal codes.
- Mayor Jackson spoke about his involvement in the P-20 Governance and Leadership Institute discussion to streamline education throughout the area. City Manager LeCerf stated that he had spoken to Vickie Miller, Maryville R-II Superintendent in regard to the matter and the possibility of creating a local committee.

## **EXECUTIVE SESSIONS**

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

City Council met in closed session to discuss two (2) issues regarding 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.

Discussion was also held for discussion of 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 Councilwoman Coutts, seconded by Councilwoman Cummings that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

## **ADJOURNMENT**

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

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Chad Jackson, Mayor

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Sheila Smail, City Clerk