

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

The Council of the City of Maryville, Missouri, met in regular session on Monday, March 22, 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 Carole Coutts and Shawn Wake were present. Councilwoman Cummings arrived at 7:08 p.m. Council Member Ronnie Moss was 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 Councilman Wake, that the agenda be approved as presented. Upon roll being called the vote was as follows: Councilwoman Coutts, yea; Councilman Wake, 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.

REPEAL OF SECTION 555.120: SIGNS WITHIN SPECIFIC ZONES, 3. B. (5): EXPIRES SIGNS AND ADOPT SECTION 555.175: ABANDONED SIGNS

The City Clerk presented a bill, being Bill No. 2010'18 for an Ordinance entitled:

An Ordinance to Repeal Section 555.120: Signs Within Specific Zones, 3. B. (5): Expired Signs and to Adopt Section 555.175: Abandoned Signs, of Title V. Buildings and Construction, Chapter 555: Signs and Advertizing, of the Maryville Municipal Codes, Maryville, Missouri

City Manager LeCerf spoke of the three (3) concerns related to the removal of abandoned signs of business that have closed and have left the business sign behind. These concerns were (1) A penalty for noncompliance; (2) Any instances where the City is forced to remove the sign on behalf of the owner, a bill or lien will be issued; and (3) A deposit for sign permits. He explained that items (1) and (2) have been inserted into the proposed ordinance and suggested that because of those items, item (3) would not be necessary.

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 2010'18 be approved as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7196 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AMENDMENT OF DEFINITION OF “ABANDONED SIGNS”, SECTION 555.030: DEFINITIONS

The City Clerk presented a bill, being Bill No. 2010'19 for an Ordinance entitled:

An Ordinance to Amend Section 555.030: Definitions, Abandoned Signs, of the Maryville Municipal Codes, Maryville, Missouri

City Manager LeCerf explained that this ordinance in connection to the prior ordinance, which merely redefines an abandoned sign.

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 Councilman Wake, that Council Bill No 2010'19 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7197 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

EXTENSION OF TIME FOR USE OF COMMON FIREWORKS

It was noted that little feedback was received from the public on the proposed extension of time for the use of common fireworks. The proposed extension was July 3, 4, and 5, from 8:00 a.m. until 11:00 p.m. Mayor Jackson stated that he plans to contact the Missouri Municipal League and will report back at the April 12, 2010, meeting.

REVIEW OF PROPOSED RE-CODIFIED MARYVILLE MUNICIPAL CODE

The City Council had been given a copy of the proposed revised ordinance for a final review in December 2009. Included in the council packet was a copy of the revised animal ordinance for their review as well. City Clerk Smail stated that this was the time for discussion and/or questions they may have regarding the proposed re-codification of the Maryville Code.

Councilwoman Cummings explained that the Nodaway County Humane Society will be taking over the licensing process. They will not be impounding or licensing cats at first but may be consider it at later date. It was determined that in Sections 220.150, 220.160, and 220.170, the reference to cats, should be removed, since cats will not be handled.

With the proposed changes to the animal ordinance, City Clerk Smail will forward the noted changes to Sullivan Publications to finalize the re-codification of the Maryville Municipal Code. The proposed new ordinance book will be brought to the council for adoption at the April 12, 2010 City Council meeting.

TRAIL UPDATE

City Manager LeCerf gave a summary of the trail projects within the city limits of Maryville and at Mozingo Lake area. He reported that within the City the Safe Routes to School trail project from the middle school to South Avenue was completed in 2009. In 2010, the city intends to construct two (2) new trails; one through the American Recovery and Reinvestment Act (ARRA), through the Missouri Department of Transportation (MODoT). This trail will begin at West Torrance and South Walnut Streets, traveling on Torrance to South Saunders Street, turning north on East Cooper Street to its termination at St. Gregory's School at Cooper and Davis Streets. The second funding source is through the Safe Routes to School program, will pick up at the Cooper and Davis Street termination, traveling north bound on Davis Street to East 7th Street. There will also be a jot from Davis Street and 2nd Street to Eugene Field Elementary School. City Manager LeCerf added that project is

designed to be completed as a small loop at some point.

The trail from the RV Campground to the point, being over a mile long, at Mozingo Lake was completed in 2009. This project was funded by the Missouri Department of Transportation Enhancement funds. Other ideas have been discussed such as partnering with the Missouri Department of Conservation to construct trails to access ADA locations and possibly a trail to access the Mozingo dam. The city was recently notified of the approval of the 2009 Recreational Trails Program grant, for the purchase of a track loader for construction of both equestrian and biking trails on the west side of the lake. Also included in the grant request was the request to construct a privy and horse camping facility for people. Construction is expected to begin this year but may continue into 2011. The Tree Board is planning to plant trees along the trails both in the city and at Mozingo Lake.

PROFESSIONAL ADMINISTRATIVE SERVICES FOR WEST 16TH STREET , CDBG PROJECT

The City Clerk presented a bill, being Bill No. 2010'20 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Northwest Missouri Regional Council of Government, for the Purpose of Providing Professional Administrative Services, for a Public Works Project (West 16th Street), Financed with Community Block Grant Funds

On March 19, 2010, bids were opened for professional administrative services for the West 16th Street Community Block Grant. The Northwest Missouri Regional Council of Government was the only bid received and was not to exceed \$13,000.

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 2010'20 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7198 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Agreement was recorded as Contract No. 2010-09.

PROPOSED AWNING SIGN ORDINANCE CHANGES

The City Clerk presented a bill, being Bill No. 2010'21 for an Ordinance entitled:

An Ordinance to Repeal Section 555.120: Signs Within Specific Zones, Subsection 3, a, (4), of the Maryville Municipal Codes, and to Adopt a New Section 555.120: Signs Within Specific Zones, Subsection 3, a, (4), Pertaining to the Same Subject

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.

The proposed awning ordinance was discussed. A motion was made by Mayor Jackson, seconded by Councilman Wake, that the issue be tabled until a review was done by the MCCA Committee to get feedback. Upon roll being called by the City Clerk, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

PURCHASE OF DODGE CHARGER PATROL CAR FROM LANDMARK DODGE

The City Clerk presented a bill, being Bill No. 2010'22 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Landmark Dodge, for the Purpose of Purchasing a Dodge Charger Patrol Car for the Maryville Public Safety Police Department

Bids were received by Machens Ford, Tri-State Ford, Shawnee Mission Ford, Don Brown Chevrolet (State

Contract) Roberts Auto Plaza, Whiteside Chevrolet, West Brothers Chrysler, and Landmark Dodge. It was recommended by staff that the city purchase a Dodge Charger from Landmark Dodge, Independence Missouri, at the price of \$20,072. Although the lowest bid was \$641 less, staff requested that the city try a Dodge Charger, which has been rated superior in testing the past several years. The city has experienced transmission problems in the Impalas, purchased in the past several years.

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 2010'22 be approved, with the purchase a new Dodge Charger patrol car from Landmark Dodge. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings; yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7199 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-10.

DISASTER RECOVERY PLAN FOR FINANCE DEPARTMENT SOFTWARE APPLICATION

The City Clerk presented a bill, being Bill No. 2010'23 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contractor with Midwest Data Center, for the Purpose of Providing Managed IT Services for the Finance Software Applications

Dir., Finance Denise Town explained that she had explored options to protect the city's financial and utility billing software, in case of a disaster, such as fire, tornado, or electrical damage. Proposals were gathered from three (3) companies, being Sungard Pentamation, Inc.(SPI), Midwest Data Center (MDC), and Computers, Networks Solutions, Inc. (CNS). MDC is stationed out of Rock Port, Missouri, and was found to provide all necessary amenities requested by the City for a much lower price of \$285.00 per month, with a setup fee of less than \$500.00.

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 Councilman Wake, that Council Bill No 2010'23 be approved with a contract being entered into with Midwest Data Center. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7200 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with Contract No. 2010-11.

LOT SPLIT REQUEST ON EAST HALSEY, FOR SHAWNA DREDGE

The City Clerk presented a bill, being Bill No. 2010'24 for an Resolution entitled:

A Resolution Authorizing the Lot Split of Property Owned by Shawna Dredge, Located at 1408 East Halsey Street, of the City of Maryville, Nodaway County, Missouri

A request was made by Shawna Dredge to approve a lot split at 1408 East Halsey Street for approximately 86 feet of the rear lot so that she might sell it to the neighbor. It was noted that all aspects of the request meet all

requirements set forth in the Maryville Municipal Codes.

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 Wake, seconded by Councilwoman Coutts, that Council Bill No 2010'24 be approved as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 561 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

RESIDENCY QUALIFICATION FOR CITY COUNCIL AND BOARDS

Mayor Jackson explained that there are variations in the residency requirements for persons to serve on the City Council and other boards. He asked for the Council's thoughts on making the residency requirements the same throughout. There would be a few exceptions, such as the Airport Board where two members are not required to be a resident and the Mazingo board does not require all members to be residents. Park and Recreation presently requires two years of residency. The Park and Recreation Board will be approached to see if they might consider a one (1) year residency. This item will be brought back to the City Council for further discussion at the April 26, 2010 Council meeting.

MARYVILLE PUBLIC LIBRARY FULL-TIME EMPLOYEES ADDED TO CITY'S INSURANCE

City Manager LeCerf stated that he had been approached by Stephanie Patterson, Dir., Maryville Public Library, requesting that the two (2) fulltime employees of the public library be added to the City's Employee Health Insurance plan. If approved by council, the Public Library would absorb the additional costs by doing so.

Thereupon motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, allowing the two (2) fulltime employees of the Maryville Public Library to be added to the City's employee Health Insurance plan. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

NORTH GRAND AVENUE

Councilman Wake inquired about the plans for North Grand Avenue in conjunction with the street improvement project. He expressed his concern of the narrow roadway with parking on the west side. He added that at the intersection of North Grand and College Avenue, there are sight issues. The first is while turning onto College Avenue from North Grand Avenue, the bushes block the view to the right. Also turning onto North Grand Avenue from College Avenue, it is difficult to get through with cars traveling north and other vehicles parked along the road way.

Staff will look at the situation and see what might be done to improve the situation and report back to the Council at the April 12th meeting.

REQUEST APPLICATION FOR SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE GRANT

Approval to make application for a Safe Routes to School Non-infrastructure grant was requested. If received, the purchase of another portable/changeable message board and four (4), one foot (1') square independent speed display board signs. The City Council authorized the application of the grant.

REPORTS

City Manager

- Bids were received for the Water Tower project. Recommendations should be available at next meeting. Waterline infrastructure is estimated at \$45,000.00, and will be purchased and installed in-house. Installation will include water mains and valves from the existing water mains to the towers.
- Recreational Trail Program was received in the amount of \$99,000 from DNR

- Energize Missouri grand ARRA Fund, for high service funds, \$177,000, to be used in conjunction with Executive orders.

Council Members

- Councilman Wake congratulated City Clerk Smail upon receiving the distinction of Missouri Registered City Clerk.
- Mayor Jackson explained that the city was looking into hiring a private laboratory testing done, to do the disinfectant by-product letter received method of having testing done monitoring, to try to prevent future notices of violation.
- Mayor Jackson and Dr. Jasinski are working to develop Beautification Program between the City of Maryville and Northwest Missouri State University. The Collaboration Committee will be meeting on Mar 23, 2010. Abbie Renshaw, Assistant to the City Manager and Amy Strough, Human Resource have participated in the development of the project and will present to civic organizations. The project will focus on the beautification of the City.

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; Councilman Wake, yea; Councilwoman Coutts; yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss three (3) issues regarding the following

1. **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.

2. **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.

3. **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 Councilman Wake 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: Councilman Wake, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

Chad Jackson, Mayor

Sheila Smail, City Clerk