

**Maryville City Council**  
**Regular Session**  
**May 10, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, May 10, 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, Shawn Wake, and Ronnie Moss. Councilwoman Patricia Cummings arrived at 7:08 p.m. Others present were City Manager Matt LeCerf, Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood; City Attorney Doug Thomson and City Clerk Sheila Smail.

**INVOCATION**

None given

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to the minutes presented for City Council meetings held April 12 and 26, 2010, as well as executive session minutes regarding personnel matters and the Palm's Bar.

Motion was made by Councilman Wake, seconded by Councilman Moss, that the minutes be approved, as presented. Upon roll being called, the vote was as follows, Councilman Moss, yea; Councilman Jonagan, 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.

**STREET CLOSURE REQUEST FOR MEMORIAL DAY CELEBRATION-AMERICAN LEGION**

An application was received by American Legion, Post 100, to temporarily close North Main Street, between Third and Fourth Streets, to hold the annual Memorial Day Celebration, on May 31, 2010, at 11:00 a.m.

Motion was made by Councilman Wake, seconded by Councilman Moss that the request for the street closure to hold the annual Memorial Day Celebration, be granted. Thereupon, roll was called with the vote as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

**REQUEST TO HOLD SPECIAL OLYMPICS TORCH RUN ON MAIN STREET – MTC**

An application was received requesting to hold the annual Special Olympics Torch Run on Tuesday, May 25, 2010, beginning at the southwest corner of the Nodaway County Courthouse lawn, at 9:00 a.m. The run will be held on Main Street, going south to Kawasaki Motors. An escort and traffic assistance at the intersection with stop lights, was requested to be provided by the Public Safety Department.

Motion was made by Councilman Jonagan, seconded by Councilman Wake, to approve the request to hold the annual Special Olympics Torch Run. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

**TREASURER'S REPORT**

Due to Dir., Finance Denise Town being absent, City Manager LeCerf reported that during the month of April, 2010, the only notable non-reoccurring funds received were for NITRO forfeiture (\$12,000.00) . Non-reoccurring expenditures for the month included People Services for retro rate adjustment (\$18,104.00), People Services for chemical overages (\$44,000.00), and HD Supply Waterworks, for materials for new water towers (\$35,986.42). Mr. LeCerf noted that bids to renew the certificates of deposits (CDs) were received and the best bid was a twelve (12) month CD at .85%, so the funds were not reinvested as CD's since it is possible to earn .4% through the bank. Mr. LeCerf said by holding out for a month or so, a better rate may be obtained. Consequently, the Pledged Collateral Analysis report, the Less: FDIC Coverage, has a negative balance rather than the usual collateralized balance of 110%, at the end of the month, which is due to the transferring of funds from one bank to another. After speaking with bank personnel, they agreed to check the account to see that it is covered in the future.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson yea. Motion carried.

#### **PAYMENT VENDOR SCHEDULE**

Councilwoman Cummings asked for a report on the Tax Increment Finance (TIF) account.

Motion was made by Councilwoman Cummings seconded by Councilman Jonagan, that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Council Wake, yea; Mayor Jackson, yea. Motion carried.

#### **REPEAL/ADOPT SECTION 400.020: COMPOSITION, APPOINTMENTS, TERM, COMPENSATION**

The City Clerk presented a bill, being Bill No. 2010'32 for an Ordinance entitled:

**An Ordinance to Repeal Section 400.020: Composition, Appointments, Term, Compensation, of Chapter 400: Zoning Commission, Article I: General Provisions, of the Maryville Municipal Codes, and to Adopt a New Section 400.020, Pertaining to the Same Subject**

City Clerk Smail explained that while this section was among other sections presented to the council and voted on to be amended to include the one (1) year residency requirement, at the April 26, 2010 City Council meeting, the ordinance presented was the ordinance in place prior to the adoption of the re-codified Municipal Codes. This ordinance was brought back to the City Council for approval to reflect the proper version of the ordinance.

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, to approve the proposed amendments to Council Bill No. 2010'32. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7208 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **EMERGENCY AIRPORT AID AGREEMENT WITH MO HIGHWAYS & TRANSPORTATION**

The City Clerk presented a bill, being Bill No. 2010'33 for an Ordinance entitled:

**An Ordinance to Authorize the Mayor to Execute a Contract Between the City of Maryville, Missouri and the Missouri Highways and Transportation Commission**

**Providing Funds for an Emergency Designated Project, Repairing Runway 14/32, of Concrete Damage Resulting from High Temperatures, at the Northwest Missouri regional Airport, Maryville, Missouri**

The Missouri Highway and Transportation Commission has agreed to provide financial assistance for repairs made to runway 14/32 of the Northwest Missouri Regional Airport. The damage to the runway was caused by extreme heat in July, 2009.

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 Moss, that Council Bill No. 2010'33 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7209 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the contract being numbered as Contract No. 2010-17..

**ADOPTION OF RE-CODIFICATION OF CODE OF ORDINANCES OF THE CITY OF MARYVILLE**

The City Clerk presented a bill, being Bill No. 2010'34 for an Ordinance entitled:

**An Ordinance to Adopt Section 210.060: Harassment of Bicyclists, Pedestrians, and Persons in Wheelchairs, of Title II. Public Health, Safety and Welfare, Chapter 210: Offenses, Article II: Offenses Against Persons, of the Maryville Municipal Code**

During the April 26, 2010 City Council meeting, Councilwoman Cummings introduced and recommended the adoption of an ordinance to protect bicyclists, pedestrians, and persons in wheelchairs, against harassment. The ordinance was brought back to the Council in ordinance form to be considered.

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 Wake, that Council Bill No 2010'34 be adopted as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7210 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AMEND SECTIONS OF MUNICIPAL CODE, REQUIRING RETURNED RECEIPT MAILINGS**

The City Clerk presented a bill, being Bill No. 2010'35 for an Ordinance entitled:

**An Ordinance to Amend Section 100.020: Definitions, Certified Mail Or Certified Mail with Returned Receipt Requested, of Title I Government Code, Chapter 100 General Provisions, Article I Generally; Section 110.210: Form And Procedure Of Hearing of Appeals, Subsections G and H, of Title I. Government Code, Chapter 110: Administrative Boards, Article III: Board of Code Appeal; Section 505.050: Duties of Code Enforcement Officer, Subsection 6. (a.), and 7, of Title V. Building Code, Chapter 505: Housing Code; and Section 530.090: Duties Of Board of Code Appeals, Subsection 4. Method of Service, (A.), Subsection 5. Proof of Service, and Subsection 8. Decision, (e.), of Title V. Building Code, Chapter 530: Dangerous and Unsafe Buildings, of the Maryville Municipal**

## **Codes, to Eliminate the Requirement of Returned Receipt Request with Certified Mailings**

The current municipal code required the City under certain circumstances to make mailing notifications by certified mail, returned receipt. Due to the ability to electronically trace the delivery of a piece of mail by sending it certified only, it was recommended the City Council amend these sections to eliminate the requirement of returned receipt mailing. This adjustment has the potential to save the City two dollars and thirty cents (\$2.30) per certified letter. The option of using the returned receipt will still be available but will not be mandated. It was also noted that the recipient of a certified mailing will still be required to sign, upon receipt. Should it become necessary for the city to have a copy of the signature showing receipt of the mailing, it may be obtained through the post office, for a fee.

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 2010'35 be adopted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7211 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **ADOPTION OF SECTION 130.070: DEFACING FIXTURES, ETC., (C.)**

The City Clerk presented a bill, being Bill No. 2010'36 for an Ordinance entitled:

#### **An Ordinance to Adopt Section 130.070: Defacing Fixtures, Ect., (c.), of Title I. Government Code, Chapter 130: City Cemetery, of the Maryville Municipal Codes.**

The current Maryville Municipal Code makes no reference as to who is responsible for damage to tombstones, plants or other fixtures at the Oak Hill Cemetery. In an attempt to relieve the City of responsibility of damages, a paragraph was presented as "(C.)" to Section 130.070 to relinquish the City of responsibility.

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 Moss, that Council Bill No 2010'36 be adopted. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7212 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **AMENDMENT OF SECTION 405.120: DEFINITIONS, OF ZONING**

City Clerk presented a bill, being Bill No. 2010'37 for an Ordinance entitled:

#### **An Ordinance to Amend Section 130.120: Definitions, of Title IV. Zoning, Chapter 405: Zoning Code, Article I: General Provisions, of the Maryville Municipal Code**

Through the process of re-codifying the Maryville Codes a new definition was included in the ordinance that had been discussed but not determined for sure whether to include it in the final adoption package and was overlooked during the final review.

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 2010'37 be approved. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7213 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **SETTLEMENT WITH ALLTEL**

City Clerk presented a bill, being Bill No. 2010'38 for an Ordinance entitled:

#### **An Ordinance Approving a Settlement Agreement with Alltel**

City Attorney Doug Thomson stated that Alltel was one of the cell phone companies involved in a class action suit. Even though the City of Maryville has nothing to gain at this time, it was suggested that the City adopt this ordinance for possible future needs.

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 2010'38 be approved. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7214 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **REPORT**

#### **I. City Manager**

- None

#### **II. Council**

- Councilman Wake brought a sample of the crushed glass processed at Northwest Missouri State University. A filter will be installed on the machine that will cause the glass to be crushed finer.
- Councilman Jonagan asked the Council had ever discussed upgrades to the "Welcome to Maryville" signs. City Manager LeCerf stated that there is a possibility that will be done in conjunction with the Streetscape Project.
- Councilwoman Cummings inquired about the status of the Memorandum of Understanding with the Humane Society. Mr. LeCerf stated that he had forwarded a draft to Doug Sutton, but had not heard back from him. Councilwoman Cummings informed the Council that she would not be able to stay for the executive sessions that evening.

### **EXECUTIVE SESSION**

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

Jackson, yea. Motion carried. Councilwoman Cummings abstained for the reason that she was unable to stay for the executive sessions.

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

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

#### **ADJOURNMENT**

Motion was made by Councilman Wake, seconded by Councilman Moss that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Mayor Jackson, yea. Motion carried.

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Chad Jackson, Mayor

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Sheila Smail, City Clerk