

Maryville City Council
Regular Session
May 24, 2010
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, May 24, 2010, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING

- Mayor Jackson opened a Public Hearing to discuss the renewal of the franchise agreement with Empire District Gas Company. Any persons wishing to speak for or against the issue were requested to come forward and state their name and address for the record.

Rick Hendricks and Lyle Johnson, Empire District Gas Company, were present. Mr. Hendricks expressed that Empire Gas was pleased with the working relationship between the City and the Empire District Gas Company.

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 Glenn Jonagan, Patricia Cummings, Shawn Wake, and Ronnie Moss were present. Others present were City Manager Matt LeCerf; 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. Mayor Jackson added to the agenda a presentation by the Missouri City Clerks and Financial Officer's Association after the approval of the agenda. He also asked that items No. 9 and 10, be switched. Motion was made by Councilwoman Cummings, seconded by Councilman Wake that the agenda be approved with the changes noted. 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.

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.

REQUEST FOR MARYVILLE MARATHON CHAMBER COUNTRY CLASSIC EVENT

An application was received by Luke Reven, Director of the Greater Maryville Chamber of Commerce, requesting to hold the annual Maryville Marathon Chamber Country Classic event, on the city streets, on Saturday, June 12, 2010, beginning and ending at Donaldson Westside Park.

With no concerns expressed by staff, Councilman Jonagan made a motion, seconded by Councilwoman Cummings, to approve the request by the Greater Maryville Chamber of Commerce, to allow the event to be held as requested. 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.

REQUEST FOR STREET CLOSURE TO HOLD NODAWAY COUNTY FAIR

An application was received by Rex Wallace, Nodaway County Fair Board, requesting streets around the square be closed to hold the annual Nodaway County Fair, July 15-18, 2010. Streets are requested to be closed for setup at 5:00 p.m. on Wednesday, July 14, 2010.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, to approve the request to allow the street closure for the Nodaway County Fair, submitted by the Greater Maryville Chamber of Commerce. 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.

CITIZENS FOR SMOKE-FREE NODAWAY COUNTY

Teri Harr, spokesperson for Breathe Easy Maryville, presented an update to the progress of collecting signatures to require the City Council to extend Chapter 235: Maryville Clean Indoor Air Act, to prohibit smoking in all public buildings and workplaces. Mrs. Harr reported the organization had collected approximately 1200 of the 1800 signature goal. According to State Statute, in order to require the City Council to place an issue on the ballot, twenty-five percent (25%) of the legal registered voters must sign a petition requesting a vote be taken.

Mrs. Harr explained the changes made to the ordinance prior to obtaining petition signatures. Changes included changing the distance requirement for a smoker to be from the door outside a public building from the original twenty feet (20') to ten feet (10') and that patios can be considered a smoking area as long as there is no food or drinks service provided.

Local students voiced their concerns of the effects of second-hand smoke. Past-Mayor and Councilman Michael Thompson, 521 South Hester Street, stated that like the original smoking ban, he felt it was the City Council's duty to make the decision on whether or not to adopt the proposed extension to the smoking ordinance. Past Mayor and City Council Member Marlin Slagle, 1260 West Crestview Drive, reported that seventy-five percent (74%) of adults do not smoke, leaving twenty-six percent (26%) smokers. He asked why the non-smokers should be forced to smoke. He stated that it was the responsibility of the governing body to protect the people. Past Mayor and Council Member Bridget Brown, 409 South Alco Avenue, urged the Council to take a look at their responsibilities as Council Members, to protect the citizens.

Amos Clampit, 31212 312th Street, Pickering, Missouri, expressed his concerns for the American Legion, Post 100, keeping their doors open if the smoking ordinance is adopted. Nathan Rice, 1011 Victory Lane stated that Movie Magic has been smoke-free since 1991 and the businesses should be allowed to make the decision as to whether or not they want to allow smoking in their place of business and it is up to the customer to decide whether or not to expose themselves to the smoke.

Councilman Jonagan conveyed that it was of his opinion that the proposed ordinance should be brought back to the council for further review and be re-evaluated by Council Members as to whether they shall take a vote on the issue.

Councilman Moss concurred with Councilman Jonagan in that the Council should discuss the possible changes the Council might like to see to the ordinance if it were adopted by the Council.

Mayor Jackson stated that of the individuals he spoke with while obtaining petition signatures, about fifty percent (50%) thought the issue should be placed on the ballot.

Councilwoman Cummings suggested that the Council should put their personal feelings aside and allow the rights as American's to be exercised by a vote.

Councilman Jonagan reminded the Council that if the Breathe Easy Maryville organization obtains the required signatures, the Council is required to place it on the ballot as it was presented on the petition. Whereas, if the Council reviews the ordinance and finds portions that they would like to see changed, the Council can make those changes before they vote. He asked what he needed to do to have the ordinance revisited by the Council and to reconsider the vote by the Council.

Mayor Jackson replied by stating that he would need to get with the City Clerk and make a request to have the item places on the agenda for review and reconsideration. The Mayor added that he was not closed to the idea of revisiting the issue.

MOZINGO ADVISORY BOARD

Councilman Jonagan recommended that an advisory board be developed for the Mazingo Lake Park and Golf Course, to make recommendations regarding the development and maintenance of the Mazingo area. Marketing was also thought to be a need that might be handles through the proposed board. The question arose of what steps would need to be taken to establish an advisory board. Research will be done to identify the structuring of an advisory board. Findings will be reported back to the Council at an upcoming meeting.

PARTICIPATION OF 2010 BACK TO SCHOOL TAX HOLIDAY EVENT

City Clerk Smail informed the Mayor and Council that the annual Back to School Sales Tax Holiday is scheduled for August 6-8, from midnight August 6, until midnight August 9. She asked the Council to consider whether the City should participate again in 2010 in the event.

The Mayor and City Council members agreed that the City will participate in 2010. No further action was needed by City officials.

DEMOLITION OF BLIGHTED STRUCTURES

City Manager LeCerf reminded the Council of the two (2) applications made to the Missouri Department of Economic Development in attempt to have several dilapidated homes demolished. The program was designed to assist property owners with the cost of demolishing these structures. Unfortunately, the City was not selected to receive these funds.

Staff has designed a plan as an alternative to give property owners an incentive to move forward with the demolishing of these structures. The proposed incentives include the following:

1. The City would perform the necessary task of disconnecting water and sewer services from the property, which is a requirement, prior to demolition.
2. Tonnage fee reduction to \$45 a ton on demolition materials.
3. Possibly offer a payment schedule associated with these tonnage fees to help defray the costs initially incurred.
4. A waiver of the demolition fee, although an application would still be required (\$25)

Staff’s hope was that this would be enough of an incentive to pursued property owner to take action.

It was suggested that the meninites be contacted to see if they might be interested in tearing the structures down for the lumber. Staff will contact the meninites to gage their interest.

Motion was made by Councilwoman Cummings, seconded by Councilman Jonagan, that the proposed incentives be implemented in an effort to provide an incentive to the property owners of the dilapidated homes to demolish the structures noted as blighted structures. 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.

APPOINTMENT/REAPPOINTMENT OF MEMBERS TO CITY BOARDS

City Clerk Smail presented appointments and reappointments to City Boards.

Library Board

The Library Board requested that Carole Edmonds and Susan Martin be reappointed to the Library Board for another three (3) year term. Michael Graham’s term had also expired and he opted not to serve another term. James Herauf submitted an application expressing his desire to serve on the Library Board. Council was asked to approve his appointment.

Board of Code Appeals

Member Charles Dodd had agreed to serve another three (3) year term on the Board of Code Appeals.

Planning and Zoning Commission

Members Bob Martin and Marlin Slagle agreed to serve another three (3) year term on the Planning and Zoning Commission. An error had been made to the memo included in the packet, stating that David Barnett agreed to serve another term, when in fact Member David Barnett and Mark Thomsen both opted to not serve

another term, but Mr. Thomsen agreed to stay on the commission to ensure a quorum, until the first of July when another applicant will be eligible to serve and will be presented to the Council for consideration.

Board of Zoning Adjustment

Members Larry Cady, Rod Shain and Roland Tullberg have agreed to serve another five (5) year term on the Board of Zoning Adjustment. Member Larry Apple does not wish to serve another term on the board. Douglas Stickley was presented as an applicant to fill the vacated position.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, to approve the members to the Library Board, Board of Code Appeals, Planning and Zoning Commission, and the Board of Zoning Adjustment, 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.

REPORTS

City Manager

- The Greater Maryville Chamber of Commerce will host the Legislative Session Breakfast at 8:30 a.m. on Wednesday, May 26, in the Chamber meeting room.
- City Hall will be closed Monday, May 31, for Memorial Day.
- The Highway 46 project will begin in August. There will be some temporary closures of section of street during the process.
- Two interns started at City Hall that day. Alex Thomson will be working with the City Manager, to develop a citizen's survey. The survey will be presented to the City Council for review, upon completion. Caleb Holder will be working with the City Clerk on various projects.

Council Members

- Councilwoman Cummings inquired about the Memo of Understanding between the City and the Humane Society. City Manager stated that it was forwarded to Doug Sutton and that he has not heard back from him but will check on the progress of his review.
- Mayor Jackson reported on the "Welcome" signs and the requirement of holding public hearings. Mayor Jackson inquired about the asphalt projects, asking if the streets were ready. He also asked about the Engineer smoke study defining the areas of town that are most immediate in repairing lines. City Manager LeCerf stated that Phase I of the Mozingo Overlay project is nearing completion and the curbing on Main Street is underway. Dir., Public Works Decker stated that he and Brook Pfof have been conversing on the project trying to come to an agreement on the scope of service.

ADJOURNMENT

Motion was made by Councilman Moss, seconded by Councilman Wake that the Council adjourned. Upon the 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.

Chad Jackson, Mayor

Sheila Smail, City Clerk