

Maryville City Council
Regular Session
June 14, 2010
7:00 p.m.

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, June 14, 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 following items: Any persons wishing to speak for or against these issues were requested to come forward and state their name and address for the record.

- **Rezoning of 1630 North Main Street.** Jim Evans, 30257 Eastview Drive, Maryville, stated that he is the Treasurer of the Masonic Lodge, which is located next to the property making the request. He stated that members of the lodge were opposed to the rezoning of the property, which would allow the operation of a recycling center.

Harvey Williams, 708 East 14th Street, also spoke of his disapproval of the proposed rezoning.

Adam Townsend, 268 Whiteridge, explained his disapproval and provided photos to the Council of a recycling center, in Tarkio, Missouri, owned by the same individual requesting the rezoning of said property, to operate a recycling business. He spoke of the mess at the Tarkio location.

Edna Jones, 229 West 16th Street; Tim Bixler, 316 West 16th Street; and Holly Kunkle, 301 West 16th Street, spoke of the wildlife in the area and their desire to keep it and to avoid contamination to the land and pond in the area.

Jerry Allen, 132 Whiteridge, also expressed his concern of a potential “junk yard” developing from rezoning the property.

- **Rezoning of 203 South Depot Street.** No persons appeared to be heard.

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. Others present were City Manager Matt LeCerf, Dir., Dir., Finance Denise Town, Public Safety Keith Wood; City Attorney Doug Thomson and City Clerk Sheila Smail.

INVOCATION

Pastor Scott Moon, First United Methodist Church, said the invocation.

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 Wake, 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; Councilwoman Cummings, 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 May 10 and 24, 2010.

Motion was made by Councilwoman Cummings seconded by Councilman Jonagan, that the minutes be approved, as presented. 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.

PROPOSED EXTENSION OF SMOKE-FREE ORDINANCE

Councilman Jonagan had asked that the ordinance be reviewed again by the City Council to identify any portions that the Council might change, if they were to vote on the ordinance rather than requiring a petition to take the issue to the ballot for a vote of the people. He asked that a review be done by the council and be submitted to the City Clerk, who will pass the notations along to the City Attorney.

Councilwoman Cummings expressed her concerns that Occupational Safety and Health Administration (OSHA) has not been able to verify the reported hazards of secondhand smoke, to warrant regulation. She stated that if OSHA is not convinced to regulate the exposure of secondhand smoke, it should be up to the citizens to decide whether or not it should be regulated by the local government.

The City Attorney and Dir., Public Safety will review the comments and report to the Council their suggestions for modifications from an enforcement and legal standpoint. The report was thought to be available by the June 28, 2010 City Council Meeting for review and possibly by the July 12, 2010 meeting a vote could be taken.

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.

ABANDONED SIGN OF CLOSED BUSINESS – CHRIS AND MARIANNE CUMMINS

Chris and Marianne Cummins, approached the City Council regarding the ordinance requiring the removal of vacated signs. Mr. Cummins stated that by requiring them to remove the sign at the business place that Cummins Furniture was located, 2002 South Main Street, the value of the property would decrease. Mr. Cummins presented the appraisal of the property, stating that the sign is valued at \$5,000. He stated that by causing the sign to be removed, it will depreciate the value of sale price.

Councilwoman Cummings suggested that he make application to the Board of Code Appeal and go through the process of an appeal. An application will be forwarded to Mr. and Mrs. Cummins.

REQUEST FOR STREET CLOSURE BY THE CHAMBER OF COMMERCE-DOWNTOWN SOUNDS

Chamber of Commerce Director Luke Reven submitted an application asking the Council to consider approval of a street closure on North Main Street, from Third Street and Fourth Street, on June 24, 2010. The street closure request is to hold the first of three (3) Downtown Sounds events this summer. The request for the street closure was made for the hours between 5:00 and 9:00 p.m., with the event being held from 6:30 pm until 8:30 p.m.

Motion was made by Councilman Wake, seconded by Councilman Jonagan, that the street closure request is granted for the specified date and time. 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.

TREASURER'S REPORT

Dir., Finance Denise Town reported that the city received the quarterly 911 tax revenue (\$34,424.46). Non-reoccurring expenses included payment to Keller Construction for Mazingo asphalt overlay (\$138,820.00); the purchase of a '98 Ford Command Unit from the Missouri State Agency (10,000.00); payment to Nodaway County for services for the April 2010 election (\$13,496.91); payment to Universal Asset Management for the wastewater treatment plant project (\$19,500.00); Annual maintenance on software & operating system by Pentamation (\$20,260.07); Purchase of two (2) John Deere fairway mowers for golf course (\$75,976.00).

Motion was made by Councilman Jonagan, seconded by Councilwoman Cummings, that the Treasurer's Report be approved as presented. Upon the 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.

PAYMENT VENDOR SCHEDULE

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

REZONING OF PROPERTY AT 1630 NORTH MAIN STREET, OWNED BY MICHEAL KLOSEK

The City Clerk presented a bill, being Bill No. 2010'39 for an Ordinance entitled:

An Ordinance to Amend Section 405.040 (The Official Zoning Map), Ordinance No 4984 (The Zoning Ordinance), Upon the Application of Michael Klosek, Rezoning Property Located at 1630 North Main Street, From C-3, Commercial District to M-1, Light Industrial District

Mayor Jackson stated that the Planning and Zoning Commission recommended that the Council deny the request made by Michael Klosek, to rezone the property at 1630 North Main Street, to begin a business of recycling. There had been much opposition heard regarding the request.

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. 2010'39. Upon roll being called, the vote was as follows: Councilman Moss, nay; Councilman Jonagan, nay; Councilwoman Cummings, nay, Councilman Wake, nay; Mayor Jackson, nay. Motion failed. Rezoning was denied.

Councilman Jonagan excused himself from the meeting at 7:55 p.m.

REZONING OF PROPERTY AT 203 SOUTH DEPOT STREET, CONSUMER OIL COMPANY

The City Clerk presented a bill, being Bill No. 2010'40 for an Ordinance entitled:

An Ordinance to Amend Section 405.040 (The Official Zoning Map), Ordinance No 4984 (The Zoning Ordinance), Upon the Application of Consumer Oil Company, Rezoning Property Located at 203 South Depot Street, From M-1, Light Industrial District to M-2, General Industrial District

Mayor Jackson stated that the Planning and Zoning Commission recommended that the Council approve the request made by Consumer Oil Company, to rezone the property at 203 South Depot Street. It was noted that a bin was planned to be erected in this area next to already existing bins.

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. 2010'40. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Cummings, yea, Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7215 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

MULES CRIMINAL RECORD REVIEW

The City Clerk presented a bill, being Bill No. 2010'41 for an Ordinance entitled:

An Ordinance to Adopt Section 100.185: State and National Criminal Background Checks, of Title I. General Code, Chapter 100: General Provisions, Article III: Provisions, Procedures and Policies, of the Maryville Municipal Code, Maryville, Missouri

Historically, the city has performed criminal background checks on individuals who have applied for things such as new liquor licenses, vendor and solicitor's permits. The state no longer allows our in-house review and has installed civil and criminal sanctions for such activity by departments. New procedures will be established in the processing of applicants who require a background check be done. There will be a time extension to the process of two and a half (2 ½) to three (3) weeks, to receive a report back from the state on the background performed.

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. 2010'41 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7216 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AMEND SECTION 212.235: RESERVATIONS FOR RV CAMPING SPACES

The City Clerk presented a bill, being Bill No. 2010'42 for an Ordinance entitled:

An Ordinance to Amend Section 212.235: Reservations for RV Camping Spaces, of Title II. Public Health, Safety and Welfare, Chapter 212: Mozingo Park Regulations, of the Maryville Municipal Code

It was recommended by city staff that Section 212.235: Reservations for RV Camping Spaces, be amended by more clearly stating that reservations will no longer be accepted after Tuesday of a week, for reservable RV spaces, for the remainder of that week. Wednesday, Thursday, Friday and Saturday of a week cannot be reserved for that same week.

It was also recommended that subsection 4, of the same section be deleted, removing the requirement of all reserved spaces be occupied by 6:00 pm on the arrival date to ensure the availability of the reserved space.

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 2010'42 be adopted as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7217 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

TO AMEND SECTION 125.010: AIRPORT OPERATION POLICIES – TERMINAL RENTAL

The City Clerk presented a bill, being Bill No. 2010'43 for an Ordinance entitled:

An Ordinance to Amend Section 125.010: Airport Operation Policies, (8), of Title I. Government Code, Chapter 125: Municipal Airport, of the Maryville Municipal Code

The current Section 125.010, did not specify if a refund of money was intended for cancellations of a reservation made at the Northwest Missouri Regional Airport, terminal. Staff felt it was important to implement a reservation refund policy that would require the cancellation notice to be received by the city at least 60 days prior to the date of reservation in order to receive all money in return. Fifty-nine (59) to fifteen (15) days all but 25% of the reservation fee will be returned, plus the damage deposit. Fourteen (14) days or less, only the damage deposit will be refunded.

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 2010'43 be adopted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7218 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

APPROVE CONTRACT, NWMORCG, ADMIN., SERVICES, DOWNTOWN REVITALIZATION

The City Clerk presented a bill, being Bill No. 2010'44 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 Administrative Services, for the Downtown Revitalization Project, Financed with Community Block Grant Funds

A grant was received by the City from the Missouri Department of Economic Development, to assist in funding Phase II and III, of the Downtown Revitalization Project. Northwest Missouri Regional Council of Government has been selected to provide the administrative services for the grant received for the project.

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 2010'44 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7219 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the Contract being Contract No. 2010-18.

APPOINTMENT/REAPPOINTMENT OF BOARD MEMBERS

Housing Authority Board: The Maryville Housing Authority Board made a recommendation to the Council to reappoint Board Members Jim Jacoby and Teckla Ehmke, for another four (4) year term. They have each served on the board since 1998.

Planning and Zoning Commission: Applications were received from Robert Cronk and Luke Reven, expressing their interest in serving on the Planning and Zoning Commission. Luke Reven does not meet the residency qualification until July 1, 2010. With that taken into consideration, it was recommends that Mr. Cronk be appointed to begin serving immediately, and Mr. Reven be appointed, beginning July 1, 2010.

Park and Recreation Board: Rod Auxier, Dir., of Park and Recreation Department has requested that the Council consider the reappointment of Adam Teal, for another three (3) year term. Robert Cronk and Roger Bundridge have expressed their desire to no longer serve on the Park and Recreation Board.

Tim Faris and Bryan Grow made application to become a member of the Park and Recreation Board. Tim Faris is presently a member of the Board of Zoning Adjustment and would like to remain on the BZA board.

Motion was made by Councilwoman Cummings, seconded by Councilman Moss, that the recommended appointments and reappointments to the Maryville Housing Authority, Planning and Zoning Commission, and the Park and Recreation Board be approved as presented, including that Mr. Luke Reven will not officially serve on the Planning and Zoning Commission, until July 1, 2010. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Cummings, yea; Mayor Jackson. Motion carried.

REPORT

I. City Manager

- At the May 24, 2010 City Council Meeting, Rex Wallace, Nodaway County Fair Board Member was present to ask permission to close the streets around the Courthouse square, to hold the Nodaway County Fair, July 15-17, 2010. He intended to ask at that time if the city would give financial support for a portion of the fees for insurance coverage for the event. Mr. LeCerf indicated that there was approximately \$2,000.00 budgeted for the event.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the amount budgeted would be what the city would contribute to the insurance for the Nodaway County Fair. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

II. Council

- Councilwoman Cummings spoke of the Missouri Municipal League (MML) Legislative Meeting held in St. Joseph, Missouri. She also suggested that a couple of benches would be nice along the trail behind the high school as resting points for walkers. Mayor Jackson added that trash receptacles would also be good.
- Mayor Jackson reported on the conference he, City Manager LeCerf and Matt Baker, NWMSU, attended in Ames, Iowa, for Town and Gown, which was related to building relationships and solving issues between university and municipalities.

EXECUTIVE SESSION

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

City Council met in closed session to discuss two (2) issues related to 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 Moss, seconded by Councilman Wake that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Cummings, 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 Moss, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Chad Jackson, Mayor

Sheila Smail, City Clerk