

**Maryville City Council**  
**Regular Session**  
**July 12, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in Regular Session on Monday, July 12, 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, Patricia Cummings, Shawn Wake, and Ronnie Moss. Others present were City Manager Matt LeCerf, Dir., Finance Denise Town, Public Safety Keith Wood; City Attorney Doug Thomson and City Clerk Sheila Smail.

**INVOCATION**

Councilman Moss gave the invocation.

**APPROVAL OF AGENDA**

Mayor Jackson asked if there were any changes needed to the agenda, they be noted at this time. Motion was made by Councilwoman Cummings, 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.

**PRESENTATION OF EMPLOYEE OF THE 2<sup>ND</sup> QUARTER 2010**

Mayor Jackson announced that John Scarbrough, Code Inspector I, of the Code Enforcement Department, had been selected as the employee of the 2<sup>nd</sup> Quarter of 2010. Mr. Scarbrough was nominated for going above and beyond the call of duty to help a local citizen complete a painting project at the home of one of the participants of the Home Repair Opportunity (HeRO) program. The HeRO Program provides funding to meet the growing need of home repair for low and moderate income homeowners. This homeowner had exceeded the funding limits and was not be able to complete the last phase of their project, which included painting the exterior of the home. Mr. Scarbrough took the initiative to contact Northwest's BRUSH program and asked for assistance. He spent a Saturday working with the BRUSH group and coordinating the painting of the home. Mayor Jackson congratulated and thanked Mr. Scarbrough for his actions as he presented him with an "Employee of the Quarter" Certificate.

**APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to the minutes presented for City Council meetings held June 14 and 28, 2010.

Motion was made by Councilman Jonagan seconded by Councilman Wake, 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.

**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.

Mr. Harvey Williams, 708 East 14<sup>th</sup> Street, inquired as to what the City's plans were in recycling.

City Manager LeCerf stated that the City has taken a survey on the City's performance, which included questions associated with recycling. He stated that consideration has been taken to place large bins in various locations for aluminum, glass, paper. He stated that the university already uses glass and paper materials.

#### **LIQUOR LICENSE REQUEST FROM YOUNGER AUCTION GALLERY**

Younger Auction Gallery had submitted an application, fees and other documents necessary for the City Council to consider issuance of the requested Consumption of Liquor (COL) License. Life Safety Inspections had been performed and passed before the June 28<sup>th</sup> City Council meeting. All requirements had been realized.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the Younger Auction Gallery be granted renewal of their COL License. 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 MIRMA insurance premium was paid in June (\$323,611.00). Construction related expenses included Loch Sand and Construction, for the retaining wall near Murphy's (\$41,803.80), Keller Construction for asphaltting Mozingo roads (\$111,180.00) and Main Street curb and gutter construction (\$52,169.50). Other payments made were to Nodaway County for property tax collection (\$11,646.73) and payment to Universal Asset Management for the Wastewater Treatment Plant project (\$22,800.00).

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: 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 Wake seconded by Councilman Moss, 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.

#### **REPEAL/ADOPT NEW CHAPTER 235: SMOKING PROHIBITED IN ALL WORKPLACES**

The City Clerk presented a bill, being Bill No. 2010'53 for an Ordinance entitled:

**An Ordinance to Repeal Chapter 235: Maryville Clean Air Act, of Title II. Public Health, Safety and Welfare, of the Maryville Municipal Code, and to Adopt a New Chapter 235: Smoking Prohibited in all Workplaces and Public Places, Maryville Missouri**

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 Jonagan, seconded by Councilman Moss, to approve the proposed amendments to Council Bill No. 2010'53.

Councilman Jonagan stated that it is the responsibility of the Council to move forward on this issue.

Councilman Wake expressed his desire to make some modifications to the proposed ordinance before taking a vote on the ordinance.

Councilman Moss agreed and added he had researched the effects of secondhand smoke outdoors relating to the distance requirement for an entrance/exit area and found from his source that it is not a health threat at six feet (6').

Mayor Jackson expressed his fear of creating an uneven playing field by allowing smoking on outdoor patios. Mayor recommended that a couple of the Council Members meet to review and amend as discussed.

Councilmen Moss and Jonagan agreed to work on making the amendments discussed, to the ordinance then have it forwarded, by e-mail, to the Council Members, City Manager and City Clerk, for review and feedback.

Motion was made by Mayor Jackson, seconded by Councilman Wake, that Council Bill No 2010'53 be tabled until the August 9, 2010, meeting for further review. 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.

Paul Thompson, 527 West 16<sup>th</sup> Street, owner, The Palms, expressed disappointment that the bar owners were not notified of the discussion of the smoking issue.

Barbara Pettlon, 417 W. Lincoln, owner of Preferred Lighting, stated she thought it should be the business owner's decision as to whether or not smoking will be prohibited in a business place.

#### **REPEAL/ADOPT NEW ARTICLE V: MOZINGO LAKE RECREATIONAL ADVISORY BOARD**

The City Clerk presented a bill, being Bill No. 2010'54 for an Ordinance entitled:

**An Ordinance to Repeal Article V: Mozingo Lake Recreational Advisory Board, of Title I. Government Code, Chapter 110: Administrative Boards , and to Adopt a New Article V. Mozingo Lake Recreational Advisory Board, of the Maryville Municipal Code, Maryville, Missouri**

The Council was presented with a proposed ordinance for adoption and development of an advisory board to assist in the maintenance and development of the Mozingo Lake Park and Golf Course areas.

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 Council Bill No. 2010'54. After further discussion, motion was made by Councilwoman Cummings, seconded by Mayor Jackson, to amend Section 110.330: Record Keeping, Reports, to require minutes taken by the secretary of the board submit a copy of the minutes from meetings to the City Clerk, who will in turn provide a copy to the City Council Members and Section 110.290: Appointments, Term, Officers, noted terms will renew October 1, of each year. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea, Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Motion was made by Mayor Jackson, seconded by Councilwoman Cummings, to further clarify Section 110.290: Appointments, Term Officers, so that after the initial term periods, each consecutive term thereafter will be a three (3) year term. 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.

Thereupon, roll was taken of the original motion to adopt Council Bill No. 2010'54, as twice amended. 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. 7226 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **DISCUSSION: WASTEWATER TREATMENT PLANT**

City Manager LeCerf reported that he, Jared Findley, P.E., Universal Assets Management (UAM), Eric Lance, Water/Wastewater Maintenance Superintendent, and both Steve Guthrie and Tim Snyder of People Services, Inc., met to discuss options for the upgrade to the City's Waste Water Treatment Facility, by the compliance date of March 2012.

Two (2) proposals were discussed. One being the Submerged Attached Growth Reactor (SAGR) system and the other is the Membrane Bio Reactors (MBBR) system. Comparing the two (2) options, UAM recommended that the city move forward by submitting plans for the MBBR system for approval by the Missouri Department of Natural Resources (MDNR). By doing so, it will allow the City to have the most adaptable treatment facility for the future and will cost approximately twenty percent (20%) less than the SAGR system. The MBBR system will change the treatment flow design to 2 MGD and a daily maximum of 3.4 MGD. It was reported that the MBBR upgrade is believed to be adequate for meeting future requirements.

City Manager LeCerf asked the Council for permission to move forward with the MBBR proposal for MDNR's review and consideration.

Motion was made by Councilman Moss, seconded by Councilwoman Cummings, that UAM move forward by submitting the MBBR proposal for review by MDNR. 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.

#### **MEMORANDUM OF UNDERSTANDING, WITH NWMSU, WATER TOWER LAND**

The City Clerk presented a bill, being Bill No. 2010'55 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Agreement with Northwest Missouri State University, Related to Construction of a Water Tower on University Property, Maryville, Missouri**

City Manager LeCerf stated that this Memorandum of Understanding was established for the purpose of water tower construction on University land and to absolve the University from any liability associated with the water tower.

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 Councilwoman Cummings, that Council Bill No. 2010'55 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. 7227 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement being noted as Contract No. 2010-22.

**CONTRACT WITH LOCH SAND AND CONSTRUCTION FOR EUGENE FIELD TRAIL PROJECT**

The City Clerk presented a bill, being Bill No. 2010'56 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, to Execute a Contract with Loch Sand and Construction Company, for the Purpose of Constructing Trails for Project No SRTS-INF-H281(104), Eugene Field School Trails, Maryville, Missouri**

Loch Sand and Construction Company was low bidder, thus being recommended to be awarded the contract for construction of the Safe Routes to School Project SRTS-INF-H281(104), Eugene Field Elementary School project, for the cost of \$244,554.30.

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 2010'56 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. 7228 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the contract being noted as Contract NO. 2010-23.

## **REPORT**

### **I. City Clerk**

- City Clerk Smail announced that the Missouri Municipal League Conference is scheduled for September 12-15, 2010, in St. Charles, Missouri. She asked Council Members consider attending and to notify her of their intent.

### **II. City Manager**

- City Manager LeCerf reported that he has a meeting scheduled with Mel Gibson, July 15, at 10:30 am, regarding green space in the proposed phase of Southdale Subdivision and sent a letter to Mr. Gibson stating that if Phase IV is not completed as originally planned, the City will require a cul-de-sac be constructed.
- A grant application was submitted for the South Depot Street project for \$1,000,000.
- Mr. LeCerf requested permission to sign the document agreement with Missouri Department of Transportation for the addition of noting NWMSU National Champs under welcome sign. The request was approved by Council.
- City Manager asked the City Council which direction they want the city logo to face, on the new water tower on the south side of Maryville. The Council suggested the City Manager make the decision.

### **II. Council**

- Councilwoman Cummings stated that a meeting will be scheduled with Doug Sutton, Humane Society regarding the Memorandum of Understanding for operations of the Humane Society.
- Councilman Jonagan asked if the upcoming budget will include funds for intrusion and infiltration of stormwater into the sanitary sewer system. City Manager LeCerf stated that it will be and that it will be a difficult issue to address since some of the problem areas are on public property and some on private property. More discussion will be had as information becomes available.
- Mayor Jackson had been approached by a citizen requesting that the City consider making available a permit with a fee, to allow persons to burn other than the current designated times. Topic will be discussed at the next meeting.
- A petition was received by residents of Pierce Avenue, regarding the water runoff and icy patches in the winter time on Pierce Avenue. City Manager LeCerf and Jay Cacek, Street Superintendent, will investigate and report back to the Council.

## **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, yea; Councilman Wake; yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss two (2) issues. The first was related to 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.

The second executive session was 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 Councilwoman Cummings, 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; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried

**ADJOURNMENT**

Motion was made by Councilman Jonagan, seconded by Councilman Moss that the meeting be 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.

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Chad Jackson, Mayor

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Sheila Smail, City Clerk