

**Maryville City Council**  
**Regular Session**  
**July 26, 2010**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 26, 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 and Shawn Wake, and Ronnie Moss were present. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson, Dir., Public Safety Keith Wood, 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 stated that there were two (2) additions to the agenda. A request that was made that day by the Chamber of Commerce, to hold a Triathlon, which was to following Leadership Maryville request and a discussion of R-2 Zoning, which was to follow the Pierce Avenue discussion on the agenda.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the agenda be approved as amended. Upon roll being called the vote was as follows: Councilman Wake, 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.

Stephanie Sledge, 203 West 12<sup>th</sup> Street, approached the Council, requesting that the city discontinue adding fluoride to the production of water. She claimed that by adding fluoride to the water, it becomes toxic. Ms Sledge provided the Council with a disc of information compiled to backup her claims. Copies will be provided to Council members by the City Clerk.

After review of the information, the Council will discuss the issue at the second meeting in August. A representative of People Services will be asked to attend to give their view of adding fluoride to the water.

**REQUEST APPROVAL OF 2010-2011 LIQUOR LICENSE FOR WORLD FAMOUS OUTBACK**

City Clerk Smail reported that an application had been received from The World Famous Outback

requesting renewal of their Liquor-by-the drink liquor license. All documents, fees and inspections required prior to renewal of the license, had been realized and staff recommended approval.

Motion was made by Councilman Jonagan, seconded by Councilwoman Cummings, that the World Famous Outback be issued the renewal of a Liquor by the Drink for 2010-2011. Upon roll being call, the vote was as follows: Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion approved.

#### **SUPPORT OF LEADERSHIP MARYVILLE PROGRAM**

Luke Reven and Audra Bradley, graduates of 2009-10 Leadership Maryville program, approached the Council requesting financial support for the 2010-11 program. A budget was presented to show how funds are used throughout the year.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, to support the 2010-11 Leadership program, in the amount of \$700. 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.

#### **BURNING YARD WASTE, OTHER THAN DESIGNATED TIME PERIODS**

Mayor reminded the Council that it had been recommended that the city allow citizens to purchase a special permit, which would allow one to burn yard waste aside from the current three (3) designated periods. The Council members discussed the response neighbors would have of the burning beyond the three (3) periods and what the original purpose was for limiting burning of yard waste to specified periods. City Council Members decided they were not willing to implement such a permit at this time.

#### **PIERCE AVENUE DRAINAGE**

City Manager LeCerf reported that he and Street Superintendent Jay Cacek visited the Pierce Avenue area to study the drainage issue, resulted in property owners in the area submitting a petition asking the City to address the issue. Mr. LeCerf reported that a number of the property owners between Pierce Street and Windsor Avenue have laid drainage pipes to the rear of their properties in an attempt to eliminate the water standing in their yards. He also stated that there were no storm water inlets, except at South Munn Street. City Staff was instructed to explore options that the property owners have in resolving the situation.

#### **DISCUSSION: ZONING SOLUTION**

Mayor Jackson suggested that in resolving the zoning issue the City could hire a professional firm to assist in redefining zoning or do it "in-house". A consultant could be selected to develop a comprehensive plan, which is estimated to take twelve (12) months for completion. It was suggested that if that were the direction decided upon, that it could be requested that the immediate concern be addressed first. If the zoning issue was to be addressed by city staff, it could then be reviewed by a consulted. Mayor Jackson plans to speak with other municipalities to discuss their zoning solutions.

Councilman Jonagan suggested that NWMSU should be involved to assist. Mayor Jackson requested the

issue be further discussed at the August 9, City Council Meeting.

### **WHITE CLOUD ENGINEERING SERVICES, I & I STUDY, OBSERVATION AND ANALYSIS**

The City Clerk presented a bill, being Bill No. 2010'57 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute An Agreement with White Cloud Engineering and Construction, LLC, for the Purpose of Observation and Analysis of Intrusion and Infiltration of Storm Water Entering into the City's Sanitary Sewer System, Maryville, Missouri**

White Cloud Engineering would perform four (4) draining basin studies to determine the areas of concern where Storm water is entering into the sanitary sewer system. The cost of the project is not to exceed \$2,500.

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 2010'57 be approved as presented. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7229 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and recorded as Contract No. 2010-25.

### **CONTRACT WITH KOSINSKI DEMOLITION, INC, DEMOLITION OF WATER TOWER**

The City Clerk presented a bill, being Bill No. 2010'58 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute An Agreement with Kosinski Demolition, LLC, for the Purpose of Demolition and Removal of the Water Tower, located at West Ninth Street and North Mulberry Street, Maryville, Missouri**

After reviewing bids received, City Staff recommended to the Council to enter into a contract with Kosinski Demolition, LLC. for the demolition and removal of the water tower located at 9<sup>th</sup> Street and Mulberry Street, otherwise known as Water Tower Park. Kosinski Demolition submitted a bid of \$9,800 to demolish and remove 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 Councilwoman Cummings, seconded by Councilman Jonagan, that Council Bill No 2010'58 be approved as presented. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7230 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, and recorded as Contract No. 2010-26.

#### **SETTLEMENT AGREEMENT WITH T-MOBILE**

The City Clerk presented a bill, being Bill No. 2010'59 for an Ordinance entitled:

##### **An Ordinance Approving a Settlement Agreement with T-Mobile and Assigning A Percentage of the Settlement Proceeds to the Missouri Municipal League**

The settlement agreement with T-Mobile will entitle the City of Maryville to \$39,880.97.

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 2010'59 be approved as presented, with 5% of the entitlement going to the Missouri Municipal League. 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. 7231 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **SETTLEMENT AGREEMENT WITH CRICKET**

The City Clerk presented a bill, being Bill No. 2010'60 for an Ordinance entitled:

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

The City is not entitled to any funds from the settlement with Cricket but by approving this ordinance, the City will be allowed to collect claims that may have been overlooked.

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 2010'60 be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Cummings,

yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7232 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **DECLARATION OF OFFICIAL INTENT OF CITY OF MARYVILLE – WATER TOWER FINANCING**

The City Clerk presented a bill, being Bill No. 2010'61 for a Resolution entitled:

### **A Resolution to Declare the Official Intent of the City of Maryville, Missouri**

It is the City's intent to finance the cost of acquiring constructing and equipping the Water Tower Project. The intended financing will occur approximately halfway through the construction process requiring the city to utilize water and sewer revenue for initial payment for the construction. After receiving the funds the project, reimbursement will be made to city funds, and to finance the debt of 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.

Motion was made by Councilman Moss, seconded by Councilman Wake, that Council Bill No 2010'61 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.

Said bill was then numbered Resolution No. 564 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **REPORTS**

### **City Manager**

- A copy of the document depicting a 1.1% adjustment, or an increase of approximately \$2,200, to the contract with People Services was shared with the Council.
- Recommendation was made to add Water Street and a portion of South Saunders Street to the asphalt overlay project. The recommendation included Water Street, from 3<sup>rd</sup> Street to Thompson Street, at an estimated cost of \$742,450, and a portion of South Saunders Street, from East Jenkins Street to South Thompson Street at approximately \$7,000, with an additional cost not to exceed \$35,000 for both.

Motion was made by Mayor Jackson, seconded by Councilwoman Cummings to include Water Street from 3<sup>rd</sup> to Thompson and South Saunders Street, from Jenkins Street to Thompson Street, in the asphalt project. 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.

- The mural on the west side of the H & R Block building has crumbled and fallen. The Council discussed the possibility of utilizing the \$10,000 budgeted for art to make put toward repairing the mural. The structural integrity of the wall will be explored prior to plans being made for repair.

- City Manager LeCerf reported that the City will be advertising for proposal of the West 16<sup>th</sup> Street. It will be a thirty (30) day bid process. Plan to go out for bid soon.

### **Council Members**

- Lee Langerock will be present to discuss Enhance Enterprise Zone (EEZ) at the August 9 meeting.
- A meeting is scheduled with Doug Sutton regarding the Human Society agreement on August 12. Councilman Cummings expressed her concerns of the financial difficulties that the Humane Society is facing.
- A card was received from the Maryville High School boy's and girl's golf teams for the use of the Mozingo Lake Golf Course this past year.
- Mayor Jackson stated that a complaint had been received regarding foxes being a problem on the west side of town.

### **EXECUTIVE SESSIONS**

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: Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss; yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss 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 Wake, seconded by Councilman Moss that the Council comes out of executive session. 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.

### **ADJOURNMENT**

Motion was made by Councilwoman Cummings, seconded by Councilman Moss that the Council adjourned. Upon the roll being called, the vote was as follows: Councilman Wakes, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

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Chad Jackson, Mayor

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Sheila Smail, City Clerk