

Maryville City Council
Regular Session
August 23, 2010
7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 23, 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 were present. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson, Dir., Finance Denise Town; 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. Motion was made by Councilwoman Cummings, seconded by Councilman Wake, 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.

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.

FLUORIDE ADDED TO DRINKING WATER

Mayor Jackson stated that the Council was provided with information by Stephanie Sledge, at the July 26, 2010 Council meeting, regarding claimed hazard of adding fluoride to processed water. Since that meeting the Council was provided further information from Mrs. Sledge and David Barcus. Council Members questioned the validity of the information provided.

Representatives of People Services, contracted operators of the Maryville Water Treatment Plant, were present to give their thoughts on the issue. The Missouri Department of Natural Resources, sets the limits for the safe amount allowable and closely regulates it. The determination as to whether or not fluoride is added to processed water is a community decision. Some areas do not need to add fluoride because fluoride is naturally provided.

Stephanie Sledge, 203 West 12th Street, and Melanie Fisher expressed their desire for the City to discontinue the addition of fluoride into the water and allow it to be an individual choice.

Dr. Phil Poynter, 22434 State Hwy 148, a local dentist, recommended that no changes be made to the addition of fluoride to the City water. He stated that the benefits of adding fluoride to the water is evident in the condition of teeth in our community, as a whole.

PIERCE AVENUE DRAINAGE

City Manager LeCerf reported that he and Street Superintendent Jay Cacek visited the Pierce Avenue area to study the drainage issue that resulted from property owners in the area submitting a petition asking the City to address the issue of water pooling, especially in the winter months. Placement of stormwater drainage pipes on both sides of the street was suggested as a solution to the drainage problem, at an approximate cost of \$30,000, per side. The City has no funds budgeted for costs of that size and found it to be unjustifiable for the size of area affected. The Council briefly discussed the "Rain Garden" effect and agreed that more information would be collected from Kansas City, who has begun using the technique.

RESIDENTIAL ZONING

Council discussed the idea of hiring a consultant to assist in resolving the issues the City is experiencing with zoning. Motion was made by Councilwoman Cummings, seconded by Councilman Jonagan that a request for proposal be written to contract with a consultant for development of an overall comprehensive plan, with zoning being the first objective. 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.

MOZINGO PARK RECREATIONAL ADVISORY BOARD APPLICATIONS

City Council Members were presented with fourteen applications, five (5) being residents of the City of Maryville, and nine (9) residing outside the city limits, but within Nodaway County. Members of the Council agreed that they were not ready to appoint members at that time. The timeframe for submitting applications to be considered as a member of the Mozingo Advisory Board will remain open until September 23, 2010. At the meeting following the closing date, September 27, 2010, all applications received will be considered for appointment of nine (9) members.

The Mayor and Council agreed that Section 110.280: Creation, Composition, Qualifications, of Title I. Government Code, Chapter 110: Administrative Boards, Article V: Mozingo Park Recreational Advisory Board, be brought back to amend the duties of the City Council member appointed to the board, so that he/she serves as a liaison to the Council and has no power to vote on the Mozingo Park Recreational Advisory Board. It was recommended that an article be written for the City Newsletter, encouraging citizens to make application for the board.

ASPHALT OVERLAY PROJECT

City Manager LeCerf reported to the Council the progress made with the Asphalt Overlay Project, being done by Keller Construction, on the streets of Maryville. He provided the breakdown with the original contracted amount of \$512,245.00, with the addition of Change Order #1, for the Main Street curbs at \$85,125, Laura Street at \$13,200, and proceeds from the Telecom settlement (\$ 36,100), to go toward Water and Saunders Streets, making a revised contract amount of \$646,670.

The remaining streets to overlay were North Grand Ave, Elm Street, North Avenue, East Street, Oak Street, Water Street, Saunders Street, and the portion of Main Street. It was estimated that to complete the list of streets targeted for the project, the City would be short approximately \$47,825, from the revised contract amount. City Manager LeCerf asked the Council Members if they wanted to move forward with completing the list by taking the remaining funds from the CIP funds.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the City move forward by completing the list of Streets for the Asphalt Overlay Project as indicated by the City Manager. 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.

LEVY AND COLLECTION OF TAX ON TAXABLE PROPERTY, GENERAL, PARKS, LIBRARY

The City Clerk presented a bill, being Bill No. 2010'69 for an Ordinance entitled:

An Ordinance Providing for the Levy and Collection of a Tax on the Taxable Real and Personal Property in the City of Maryville, Missouri, for the Year 2010, for General Municipal Purposes, for the Purpose of Maintaining the Free Public Library in Said City, for the Purpose of the Establishment and Maintenance of Free Public Parks and Providing for Suitable Entertainment Therein

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 2010'69 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. 7240 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

LEVY AND COLLECTION OF TAX TO PAY GENERAL OBLIGATION BONDS

The City Clerk presented a bill, being Bill No. 2010'70 for an Ordinance entitled:

An Ordinance Providing for the Levy and Collection of a Tax on the Taxable Real and Personal Property in the City of Maryville, Missouri, for the Year 2010, for the Purpose of Obtaining Funds to Pay General Obligation Bonds

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 2010'70 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 Ordinance No. 7241 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AMENDMENT TO LEVY AND COLLECTION OF TAX ORDINANCES

It was realized that in the body of the Council Bill 2010'69/Ordinance No. 7240 and Council Bill No. 2010'70/Ordinance 7241, the year was identified as 2009 instead of 2010. Council Bill 2010'69 also noted that the assessed value for the general municipal purposes as .3298, but should have read .3297 instead. Corrections were needed.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that Ordinance No. 7240 be amended as described above. 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.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that Ordinance No. 7241 be amended as described above. 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.

REPORTS

City Manager

- The Safe Routes to School trails project on Davis Street will incur an expense of \$2,900 in removing a tree, but it was thought that with the removal of the tree that there would be some cost savings in the retaining wall height, security fence and dirt work, to make up for the tree removal costs.

Council Members

- The agreement between the City and the Nodaway County Humane Society will be available for Council consideration soon. Money obtained from the sale of dog licenses will go to the Humane Society despite some misconceptions.
- A proposal will be presented for the Green Space at the next Council meeting.

- A recommendation was made to amend the fee structure for dog tags/licenses. Presently, license fees are \$25, but reduced by \$20, if the dog has been spay or neutered. It was suggested that if a dog wasn't healthy enough to be spay or neutered, and the owner could provide documentation from the veterinary that the extra \$20 fee be waived. Attorney Thompson will look into amending the ordinance to reflect the suggestion.
- A letter was received from the Downtown Arts Committee requesting the City budget funds to assist in the efforts of bringing art to the downtown area.
- The Administration Building has been listed on the National Register of Historical Buildings.

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: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss; yea; Councilman Jonagan, 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: Councilman Wake, yea; Councilman Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, 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 Moss, yea; Councilman Jonagan, yea; Councilwoman Cummings, yea; Councilman Wakes, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

Chad Jackson, Mayor

Sheila Smail, City Clerk