

**Maryville City Council
Regular Meeting
January 12, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, January 12, 2009, 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 Carole Coutts, Patricia Cummings, Michael Thompson and Ronnie Moss. Others present were City Manager Matt LeCerf; Dir., Finance Denise Town; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood, City Attorney Doug Thomson 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.

NODAWAY COUNTY ECONOMIC DEVELOPMENT

Darren Farnan, member of the Nodaway County Economic Development Board, presented to the City Council a flyer as he thanked them for the City's support and efforts to improve the economic strength of the community.

AIRPORT OVERVIEW PRESENTATION

Brian Twaddle, a previous member of the Northwest Missouri Regional Airport Board, and one who works closely with the airport board, showed a powerepoint presentation depicting the growth and improvements made to the city's airport. Federal and State grants were utilized to make many of these improvements become a reality. He reported that in the past couple of years, with the assistance of governmental grants, a new terminal building was construction, as well as new and extended runways and taxiways. Lighting was also upgraded at the airport.

APPROVAL OF MINUTES

Mayor Jackson asked if there were any amendments to the minutes presented for City Council meetings held December 08 and 22, 2008.

Motion was made by Councilman Thompson, seconded by Councilwoman Cummings, that the minutes be approved as presented. Upon the roll being called, the vote was as follows, Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, 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.

Eldon DeVorr, 990 South Walnut Street, addressed the Safe Routes to Schools trail, charted for the East Crestview area, stating that he felt the project was not well planned for the fact that West South Avenue is too heavily traveled and that at 3:00 p.m., when school and various places of employment dismiss, South Walnut Street is also congested. He closed by asking the Council to reconsider putting the trail in the Crestview area.

TREASURER'S REPORT

Dir., Finance Denise Town, commented that besides the typical bills, pay request #9, from Loch Sand and Construction, for the airport project, in the amount of \$77,304.15, was included. Also, Public Safety purchased 911 software, for \$19,743.00 and McGladrey and Pullen submitted a request for payment of audit services at \$20,000.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

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

DISCUSSION: DOWNTOWN MARYVILLE, INC.

City Manager LeCerf distributed, to the Council, comments from business owners in the downtown area, regarding the development of an organization referred to as the Downtown Maryville, Inc.(DMI). This group will be established to ensure continual and sustained progress. In order to meet long-term goals for the Downtown Maryville, a Main Street 4-point approach will be used which will include economic viability and restructuring, design, promotion and organizational structure. With the university, a fifth point will be added being the Northwest Downtown Ambassador Committee. They will work in cooperation with the City, County, Chamber of Commerce and Nodaway County Economic Development to reach set goals. Mr. LeCerf credited several groups for the successes and insight of

projects in the downtown area. He suggested that DMI begin under the direction of the City with the assistant of a Program Director short term, eventually becoming independent.

Mayor Jackson asked the City Manager if he had individuals interested in serving on the board.

City Manager LeCerf said he did not, but stated that Abbie Renshaw, his assistant, may have since she gathered the comments by interviewing the downtown business owners. Mr. LeCerf added that while the improvements continue in the downtown through the DREAM program, it would be a good time to establish DMI.

DISCUSSION: SAFE ROUTES TO SCHOOL CONTRACT

Mayor Jackson stated enclosed in the council packet is a copy of the ordinance approved October 27, 2009. He stated he would take brief comments from both opposition and support of the proposed Crestview trails.

H.L. Poynter, 1205 West Crestview, said that since the December 22, 2008, meeting, he researched other city's planning and approach of placing trails. He said that the all but one of the cities he looked at the trails were preplanned and not in the streets. He added that after contacting professionals in the field of planning trails, found their opinion of Maryville's trail plans were less than ideal.

Jerry Wilmes, 1605 North Dewey Street, spoke of the safety issues that were mentioned at the prior meeting and suggested that he did not feel anyone would jeopardize anybody's safety for the sake of placing a trail. He suggested the council moves forward in implementing the master plan.

Don Nothstine asked Police Chief, Keith Wood, for his thoughts about the trails.

Dir., Public Safety Wood stated that obviously preplanning for trail placement in a subdivision is the best case scenario but that was not an option in this case. He touched on the concerns voiced about criminal activity and emphasized that he was not concerned about an increase of criminal activity in that location.

Mayor Jackson stated that the city was informed that if the contract with Loch Sand and Construction, is not signed by the end of the week, the costs will increase. He added that he appreciated the respectful manner in which this issue was discussed, by those who oppose and support the trails in the Crestview area. Mayor Jackson invited the other council members to express their thoughts.

Councilman Thompson stated that he didn't feel he was fully informed of the views of those opposing the proposed trails, but realizes although there are oppositions. He added there may be a lot of money lost, in not carrying through with the project.

Councilman Moss stated that he agreed with Councilman Thompson in regard to not being fully informed of both sides of the issue, but stated that he realizes that residents do not like the location, but feels trails were high on the survey list for city improvements.

Councilwoman Coutts stated that she did not feel others should be faulted to make people follow an issue.

Councilwoman Cumming said she thought there was much to be learned in the manner in which the differences were relayed. She stated she felt bikers are safer in areas designated for bikes and added that it is difficult to turn down free money for trails.

Mayor Jackson expressed his hope that parents may begin walking their children to school by using trails. He announced that after consideration of the discussions from both sides, he plans to sign the contract. He asked that the Trails Committee report to the City Council every two (2) months.

DISCUSSION: SELECTION OF QUALIFIED ENGINEER, WATER TOWER

City Manager LeCerf stated that a selected group, consisting of two (2) Council members, Maryville Public Works Director, Maryville Water/Sewer Superintendent, a representative from People Service, Inc., and the Maryville City Manager, evaluated engineers for qualifications to design water storage tanks. Mr. LeCerf reported that Olssen & Associates and BWR were selected as the two (2) highest rated engineers. City Manager LeCerf asked the council for permission to begin talks with these companies in negotiating a reasonable cost for designing water storage tanks for the City of Maryville.

The Council approved staff moving forward in beginning talks with Olssen and Associates and BWR.

AMENDMENT OF CONTRACT WITH SNYDER AND ASSOCIATES, NW SEWER PROJECT

The City Clerk presented a bill, being Bill No. 2009'01 for an Ordinance entitled:

An Ordinance Approving Amendment No. 1, of the Contract with Snyder and Associates Engineering and Planners, LLC, for Additional Engineering Services of the Northwest Sanitary Sewer Project, Maryville, Missouri

City Manager LeCerf explained that main portion of the Community Development Block Grant (CDBG) for the Northwest sewer project has been completed, with the bid submitted being below the estimated cost of the project. Consequently, the City requested, to the State, permission use the remaining funds for other sewer related improvements in the Low-Moderate Income (LMI) District. Approval was given and the City purchased a flow meter. With approximately \$21,000.00 remaining, \$18,210 was proposed to be spent on making necessary sewer repairs (addressed in the next ordinance), while \$4,500.00 was proposed for engineering services, for the additional sewer repairs. Mr. LeCerf emphasized that the City is on a time limit of March 15, 2009, to complete this project and close all aspects associated with the grant.

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 Thompson, seconded by Councilwoman Cummings, that Council Bill No 2008'125 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7076 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CHANGE ORDER NO. 2, THE CBDG PROJECT 2002-PF-558, NW SANITARY SEWER LINE

The City Clerk presented a bill, being Bill No. 2009'02 for an Ordinance entitled:

An Ordinance Approving Change Order No. 2, of a Contract With White Cloud Engineering and Construction Company, for the Construction of the Northwest Sanitary Sewer Project, Maryville, Missouri

City Manager LeCerf explained that this ordinance is the second part of the Northwest sewer line project addition, explained in the previous ordinance presented.

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 Coutts, that Council Bill No 2009'02 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7077 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPORTS

City Clerk

City Clerk Smail presented to the Council an application from Kirby Sybert, who has indicated that he would like to be a representative of the City of Maryville, on the Nodaway County Extension Council, completing a vacated position previously held by Valarie Salcedo. Brian Schieber also submitted an application requesting he serve another three (3) year term on the NW Missouri Regional

Airport board.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Kirby Sybert be appointed to represent the City on the Nodaway County Extension Council and Brian Schieber be reappointed to serve another three (3) year term on the NW Missouri Regional Airport board. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

City Clerk Smail presented an application for two (2) liquor licenses, retail of Original Packaged Liquor and Original Packaged Liquor on Sundays, submitted by the new owner of the Finish Line, at 620 North Main Street. Syed Amir Raza Naovi met all requirements set by the City to obtain requested liquor licenses.

Thereupon, motion was made by Councilman Moss, seconded by Councilman Thompson, that the Finish Line be granted the retail of Original Packaged Liquor license and the retail of Original Packaged on Sunday Liquor license. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

II. City Manager

City Manager LeCerf noted the invitation received, inviting City officials to meet with the newly elected Nodaway County Sheriff Darren White. He acknowledged a letter received by Mr. Bob Keirse and the response letter sent back. Mr. LeCerf informed the Council that the city can purchase gasoline at the bulk rate of 8,500 gallons at \$13,166.50 (\$1.549 per gallon) and diesel can be contracted at 7500 gallons at \$13,492.50 (\$1.799 per gallon) by contracting with COOP. He asked the Council if they were comfortable with buying fuel in bulk at the rate given. Council agreed it would be beneficial.

III. Council Members

Councilman Thompson announced that he has made an employment change. He will soon be working for St. Francis Hospital, with Hospice.

Councilwoman Cummings stated that the review of ordinances pertaining to the Humane Society, is progressing.

Mayor Jackson stated that the Great NW Days is approaching and asked if any Council members have considered attending and added that he plans to attend.

EXECUTIVE SESSION

Motion was made by Councilwoman Cummings, seconded by Councilman Thompson that the Council go into Executive Session. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor

Jackson, yea. Motion carried.

Discussion was had on 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, and 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.

Thereupon, motion was made by Councilman Thompson, seconded by Councilman Moss to come out of executive session. Upon the roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

ADJOURNMENT

Motion was made by Councilman Moss, seconded by Councilman Thompson that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

ATTESTED:

City Clerk, Sheila Smail

Mayor, Chad Jackson