

**Maryville City Council  
Regular Meeting  
January 26, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, January 26, 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, and Michael Thompson. Councilman Moss was not present. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; City Attorney Doug Thomson and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

The invocation was given by Councilwoman Cummings.

**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.

**PLATTE RIVER SADDLE CLUB**

Angie Jones, Platte River Saddle Club, presented a request to hold a sanctioned event, Sunday, June 28, 2009, at the Equine area of Mozingo Lake, hosted by the Platte River Saddle Club. She explained that the youth amateur course will consist of natural terrain, with removable obstacles. The open course will contain some man-made obstacles, which will be constructed by the club members. She added that there would be five (5) levels of classes available, which include Jr. Horse, Youth Division, Amateur-Novice, Amateur, and Open, which will allow participants from 2 years old and above to participate. Mrs. Jones stated that the parking will be designated at the current equine area and signage will be posted from Highway 136 to the location of the event. There will be a designated spectator area, as well a concession stand on site. A one million dollar (\$1,000,000.00) liability insurance policy has been applied for, but has not been received yet. They anticipate between sixty (60) and eighty (80) participants, plus spectators. \_

The City Council agreed to allow the event, contingent upon meeting all requirements. Mayor Jackson extended his appreciation of the work done at the equine trails, by the club.

**MISSOURI DEPARTMENT OF CONSERVATION-ICE FISHING ON MOZINGO LAKE**

City Manager Matt LeCerf advised the Council that Wednesday evening, the City received a report of people ice fishing on Mozingo Lake. According to Section 212.140: Fishing and Section 212.190: Ice Skating and Other Activities, ice fishing is prohibited on Mozingo Lake. In the process, it was discovered that Missouri Department of Conservation had scheduled an ice fishing seminar, to be held at the multi-purpose building, on Saturday, January 31, 2009, which was intended to include the ice fishing. Mr. LeCerf reported that after consulting with the City's insurance provider, MIRMA, they advised against allowing ice fishing on the lake.

Representatives of the Missouri Department of Conservation (MDC), Ed Higdon, Tory Mason, Harold Kerns and Christine Campbell explained that Mozingo Lake is a prime location for ice fishing because of the temperature experienced in the area. Mr. Mason stated that he was not aware that the city had an ordinance prohibiting ice fishing but requested that the Council consider repealing the ordinance, in that ice fishing has gained much popularity in the past several years. He explained that the classes provided by MDC helps educate fishermen of safety tips of ice fishing.

Mr. LeCerf stated that while visiting with the MIRMA representative, they discussed the liability the city would endure if ice fishing would be permitted. It was recommended that the city post warning signs, indicating that upon entering the lake, they are entering under their own risk. Mr. LeCerf stated that it is merely a liability issue.

After much discussion, the Council instructed Mr. LeCerf to speak with MIRMA, and ask if MIRMA would agree allowing ice fishing on Mozingo Lake if the city requires a permit to be issued, as well as an indemnification and hold harmless form completed and signed by each participant, prior to an ice fishing events. Further research may be needed to allow individuals to ice fish as well. The City Manager will report back to the Council.

#### **OPEN BURNING REGULATIONS**

City Manager LeCerf referred to a letter received by Steve and Traci Wilson, 123 North Charles Street, requesting the City to control open burning, which they consider a nuisance. He asked the Council to consider what steps should be taken, if any, in addressing the issue.

Mayor Jackson suggested that specific periods of the year, such as three (3), two (2) week periods, spring, summer, and fall, for open burning, rather than all year. He also suggested that we request feedback from citizens via e-mail, phone or in writing, to gain a wider spectrum of views. Staff will report to the council their findings.

#### **PARTICIPATION IN SALES TAX HOLIDAY, FOR ENERGY EFFICIENT APPLLIANCES**

The City Clerk presented a bill, being Bill No. 2009'03 for an Ordinance entitled:

**An Ordinance Allowing the "Show Me Green Sales Tax Holiday" to Apply to the Local Sales Taxes of the City of Maryville, Between April 19 and April 25, 2009**

City Clerk Sheila Smail stated that notice was received by the Missouri Department of Revenue, inviting the City of Maryville to participate in the "Show Me Green Tax Holiday" scheduled for April 19-25, 2009, allowing consumers to purchase qualifying appliances with exemption of State and local taxes of entities who wish to participate. Ms Smail spoke with managers of three (3) local businesses, Best Brands Plus, Watkin's True Value and Sears, asking for their thoughts on City participation of the event. The business managers were in favor of the City's participation.

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 2009'03 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7078 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CHANGE ORDER NO. 6, WITH LOCH SAND & CONSTRUCTION, AIRPORT PROJECT**

The City Clerk presented a bill, being Bill No. 2009'04 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 6, of the Contract with Loch Sand and Construction Company, for the Purpose of Construction of the Airport Runway Extension, Taxiway, Apron and Lighting, at the Northwest Missouri Regional Airport, Maryville, Missouri**

City Manager LeCerf explained that Change Order No. 6, of Contract 2007-55, with Loch Sand and Construction Company, for construction of the airport project was for a deduction of \$1,860.00, for fuel tank removal and disposal. Because this job could not be funded by the grant received, it is contracted as a separate 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 Councilman Thompson seconded by Councilwoman Coutts, that Council Bill No 2009'04 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7080 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **REQUEST FOR GENERAL ELECTION, TO ELECT ONE CITY MEMBER**

The City Clerk presented a bill, being Bill No. 2008'05 for an Ordinance entitled:

**An Ordinance Providing for a General Election To Be Held April 7, 2009, in the City of Maryville, Missouri, for the Purpose of Electing One (1) Member, For A Three (3) Year Term; Directing The City Clerk To Make Due Notice Of Such Election as Prescribed By Law, To The County Clerk Of Nodaway County, Missouri**

Individuals who filed for City Council included, Kirk Larson, Joseph Belanger, James M. (Jim) Dropinski, Brian Schimming, Shirley Mounts, Shawn Wake, and William Sean Prescott.

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 Coutts seconded by Councilwoman Cummings, that Council Bill No 2008'05 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7079 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH OLSSON ASSOC., ENGINEERING SERVICES, WATER TOWER PROJECT**

The City Clerk presented a bill, being Bill No. 2008'06 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Olsson Associates, for the Purpose of Engineering Services for the Water Tower Project, Maryville, Missouri**

City Manager LeCerf reported that he and Dir., Public Works Greg Decker met with engineering firms, BWR and Olsson Associates, to obtain further information of the services that would be provided and to request a firm quote for the water tower project. BWR submitted a quote of \$477,500.00, while Olsson Associates came in at \$217,568. 00. City Staff recommended contracting with Olsson Associates for engineering services for the water tower 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 Councilwoman Coutts, that Council Bill No 2008'06 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried. Said bill was then numbered Ordinance No. 7081 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH AQUATERRA, GROUNDWATER MONITORING SERVICES, LANDFILL**

The City Clerk presented a bill, being Bill No. 2008'07 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Aquaterra Environmental Solutions, For Groundwater Monitoring Services, For The Year 2009, Maryville Sanitary Landfill**

Dir., Public Works Greg Decker stated that the city is required to have quarterly groundwater monitoring reports sent to the Missouri Department of Natural Resources as part of the closure agreement of the Maryville Sanitary Landfill. Because of the services required to complete statistical analysis and background information, it was recommended that Aquaterra Environmental Solutions be contracted to perform these reports for 2009, as they have for the past seven (7) years

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 2008'07 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Thompson, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7082 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH AQUATERRA, STORMWATER DISCHARGING REPORTING**

The City Clerk presented a bill, being Bill No. 2008'08 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Aquaterra Environmental Solutions, for Stormwater Discharging Reports of the Maryville Sanitary Landfill and Transfer Station, for the Year 2009**

Dir., Public Works Decker informed the Council because of the certification of the landfill closure in December 2008, a request was made to terminate the stormwater sampling permit, since State law requires sampling is only by active and open landfills. The City had not yet received a written response regarding the request of termination of the permit.

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 Coutts, that Council Bill No 2008'08 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried. Said bill was then numbered Ordinance No. 7083 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **PURCHASE THREE 2009 CHEVROLET IMPALAS FOR PATROL CARS, PUBLIC SAFETY**

The City Clerk presented a bill, being Bill No. 2008'09 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, To Execute a Contract with Brown Chevrolet , For the Purpose of Purchasing Three (3) Chevrolet Impalas, or Use As Patrol Vehicles, For the Public Safety Department, Maryville, Missouri**

Dir., Public Safety Keith Wood reported the results of bids received for three (3) patrol vehicles for the Public Safety Department. Bids were received by Boyles Motors, Maryville, and Whiteside Chevrolet, St. Clairesville, Ohio. But three (3) Missouri State bids were also available, with the lowest bid from Don Brown Chevrolet, St. Louis, Missouri, at \$18,963, per unit. City staff recommended purchasing three (3) Chevrolet Impalas, with the police package, from Don Brown Chevrolet.

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 2008'09 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Thompson, nay; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7084 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **APPROVAL OF SURVEYING SERVICES BY MIDLAND SURVEYING, WEST 16<sup>TH</sup> STREET**

The City Clerk presented a bill, being Bill No. 2008'10 for an Ordinance entitled:

**An Ordinance Approving Midland Surveying, Inc., to Perform Topographic and Boundary Surveying Services, of the West Sixteenth Street Area, for the 2009 Road Improvement Project**

City Manager Matt LeCerf explained that surveying is needed to further prepare for the 2009 Street Improvement Project and a possibility of accessing economic stimulus funds. He recommended to the Council that Midland Surveying be selected to perform topographic and boundary survey services in the West Sixteenth Street area, for the 2009 project. Because of the nature of the services requested, a contract was not required by Midland Surveying. Mr. LeCerf added that he is also working on a cost estimate for South Depot Street.

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 Coutts, that Council Bill No 2008' 10 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7085 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**REPORTS**

**City Manager**

City Manager LeCerf reported that a DREAM Building Design Kickoff meeting will be held Wednesday, February 18, 2009, at the Public Library, beginning at 6:00 pm.

The CDBG, Northwest Sanitary Sewer Project is in the process of being closed. This grant must be fully closed by March 15, 2009, in order to qualify for another grant. Mr. LeCerf suggested that the city consider applying for a CDBG grant that addresses substandard housing. He explained that the grant would help illuminate the structure but the land remains with the owner. Details are to be determined.

Mr. LeCerf stated that the Safe Routes to School project is being planned, going from St. Gregory's School, north on Davis Street to Seventh Street, with an extension off on East Second Street to Eugene Field School. On February 23, 2009, at 5:00 pm, a meeting will be held for property owners , prior to the regularly scheduled city council meeting.

The January 19, 2009, public comment period for the waste water facility permit has expired. The three (3) year period begins when the permit is received by the city. The wastewater facility upgrade will begin it's time line for updating.

The newsletter will be added to the water bills in February.

Terry Robertson approached the City Manager about possibly using the Mozingo house as an visitors/information center. More details will be determined and presented to the council.

Mr. LeCerf stated that the City of Maryville was founded February 14, 1845 and incorporated July 19, 1869, making it the city's 140<sup>th</sup> year of incorporation. He asked the Council about possibly planning a celebration. Further discussion will follow.

### **Council**

Councilwoman Coutts suggested the City consider a "Calendar of Events" on the city website.

Mayor Jackson added the idea of have a link from the city's site to the Chamber of Commerce and the university's "Calendar of Events".

Councilwoman Coutts also requested to Mr. Decker to look into the troubling ice that has accumulated on South Aurora, causing problems for the residents at the group home.

### **EXECUTIVE SESSIONS**

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 Coutts, yea; Councilman Thompson, 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.

Additionally, discussion was had on 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 Councilwoman Coutts to come out of executive session. Upon the roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Council woman Cummings, yea; Mayor Jackson, yea. Motion carried.

### **ADJOURNMENT**

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

ATTESTED:

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City Clerk, Sheila Smail

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Mayor, Chad Jackson