

**Maryville City Council**  
**Regular Meeting**  
**May 11, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, May 11, 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, Shawn Wake and Ronnie Moss. Councilwoman Patricia Cummings arrived at 7:10 p.m. 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 not given.

**PUBLIC HEARING – Annexation of 24592 Business Highway 71 North**

Mayor Jackson opened a public hearing for proposed annexation of property located at 24592 Business Highway 71 North. Any persons wishing to speak in favor or against the proposed annexation were asked to come forward and state their name and address for the record. No persons appeared to be heard.

Mayor Jackson closed the public hearing.

**PROCLAMATIONS**

Mayor Jackson honored Coach Tappmeyer, women's basketball and Coach Rosewell, Tennis, of Northwest Missouri State University (NWMSU), for their record setting careers as coaches.

Mayor Jackson proclaimed May 10 – 16, 2009 as National Nursing Home Week, with employee Stacy Bram, Golden Living Center, to receive the presentation.

**APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to the minutes presented for regularly scheduled City Council meetings held April 13 and 27, 2009.

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

**SUMMER CONCERT SERIES REQUEST**

An application was submitted by the Maryville Chamber of Commerce requesting to host a series of concerts, June 26, July 31, and September 4, 2009, on Market Street, between Third and Fourth Streets, from 7:00 – 9:00 pm, for each event. It was proposed that Market Street be closed from 6:00 p.m., until 10:00 p.m., for set up and take down. Proper liability insurance was provided by the Chamber of Commerce. The request mimicked the 2008 concert series of concert events.

The Maryville City Council agreed to allow the requested series of concerts, June 26, July 31, and September 4, 2009, hosted by the Chamber of Commerce.

**ELK'S REQUEST OF CONCESSION STAND AT JULY 4<sup>TH</sup> EVENT**

The Maryville Elk's Lodge submitted a request asking permission to set up a concession stand at the July 4, 2009 fireworks display at Mozingo Lake, beginning sales at 5:00 p.m. The Elk's Lodge have rented the Phillip's Shelter as their concession stand location, and had requested to sell hamburgers, hotdogs, pop and water. The Elk's asked if the Council would also consider allowing the sale of alcohol with a fence used to establish a "beer garden" area.

After much discussion, a motion was made by Mayor Jackson, seconded by Councilwoman Coutts, that the Maryville Elks Lodge, be allowed to set up a concession stand for the July 4, 2009, fireworks display, for the sale of hamburgers, hotdogs, pop and water. Alcohol beverages shall not be permitted. Upon roll being called the vote was as follows, Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea, Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

**LIABILITY INSURANCE FOR NODAWAY COUNTY FAIR**

Mr. Rex Wallace, Nodaway County Fair Board, approached the Maryville City Council, for financial support for the cost of liability insurance for the 2009 Nodaway County Fair, which will be held on July 16-18, 2009, around the courthouse square.

Motion was made by Councilwoman Cummings, seconded by Councilman Wake, that the City of Maryville, contribute the budgeted \$2,000.00 toward the liability insurance for the 2009 Nodaway County Fair. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

**TREASURER’S REPORT**

The city received a partial reimbursement from Missouri Department of Transportation (MODOT) for the airport grant request #16, at \$16,298.00 and the reimbursement for the Safe Routes to School (SRTS) mobile sign. General Obligation Bond proceeds for the Community Center expansion was deposited, in the amount of \$1,918,842.28.

Non-reoccurring payments for the month of April 2009 included, a sum of \$18,195.00, to All Traffic Solutions for SRTS, mobile sign; \$31,061.83 to Olssen Associates for the design of 16<sup>th</sup> Street design and an airport elevated tank; \$39,982.00 to Van-Wall Equipment for greens mowers to be used by Mozingo Golf Maintenance Department; \$26,145.04 to Loch Sand and Construction for SRTS trail materials; Reimbursement of \$250,612.74, to Park and Recreation for the Community Center expansion costs; Closing costs associated with the issued General Obligation bond, at \$31,949.55.

Motion was made by Councilwoman Cummings, seconded by Councilman Moss 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; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

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

**RESULTS OF WATER/SEWER REVENUE REFUNDING BONDS**

The City Clerk presented a bill, being Bill No. 2009’44 for an Ordinance entitled:

**An Ordinance Authorizing the Issuance of \$3,170,000.00, Principal Amount of Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2009, of the City of Maryville, Missouri; Prescribing the Form and Details of the Bonds and the Covenants and Agreements to Provide for the Payment and Security Thereof; and Authorizing Certain Actions and Documents and Prescribing Other Matters Relating Thereto**

Mr. Jack Dillingham, Piper Jaffray and Company, explained that upon approval of the Council, the Series 1999A Bonds, in the amount of \$3,170,000.00, at an interest rate of 5.45%, will be refinanced. He explained that the Series 2009 refunding bond interest rate will be at a cost of 3.0556%. A service savings cost is estimated at \$90,000 on a net cumulative basis or \$272,000 on a net present value benefit basis. The present value benefit is 6.89% of the amount \$4,000,000 of bonds being refunded.

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 Moss seconded by Councilwoman Coutts, that Council Bill No 2009'44 be adopted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7114 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**CHANGE ORDER NO 2, CONTRACT KELLER CONSTRUCTION, ASPHALT WORK**

The City Clerk presented a bill, being Bill No. 2009'45 for Ordinance entitled:

**An Ordinance Approving Amendment No. 2, of the Contract with Keller Construction Company, for Additional Asphalt Construction on Designated Area, Maryville Missouri**

The Maryville Housing Authority requested permission to access the bid price obtained by the City's Street Department for asphalt overlay work, by Keller Construction Company. The request was to mill the existing asphalt and overlay the areas at 915 East Fifth Street and North Water Street Complexes. The additional work was bid at the cost of \$24,070.00.

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 2009'45 be approved, allowing Maryville Housing Authority to access to the City's bid contract price, with Keller Construction Company, for milling and overlay at the complexes located at 915 East Fifth Street and North Water Street. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7115 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The original contract number was Contract No. 2008-36.

**CHANGE ORDER NO. 10, CONTRACT WITH LOCH SAND & CONST., AIRPORT PROJECT**

The City Clerk presented a bill, being Bill No. 2009'46 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 10, of a 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**

A total deduction of \$10,236.80 was realized as Change Order No. 10, of the contract with Loch Sand and Construction, for contract No 2007-55, pertaining to the construction of the airport runway extension, taxiway, apron and lighting, at the Northwest Missouri Regional Airport.

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 Cumming, seconded by Councilwoman Coutts, that Council Bill No 2009'46 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7116 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **TWO DOLLAR SURCHARGE FOR ALL CRIMINAL CASES**

The City Clerk presented a bill, being Bill No. 2009'47 for an Ordinance entitled:

### **An Ordinance to Adopt Section 115.297: Two Dollars (\$2) Surcharge for all Criminal Cases, Funds to be Deposited in Inmate Security Funds of Title I. Government Code, Chapter 115: Municipal Court, of the Maryville Municipal Code**

An ordinance was presented to assess a surcharge of two dollars (\$2) in court proceedings filed in any municipal criminal court cases, including violations of any City ordinances or any violation of criminal or traffic laws of the State. Upon adoption, the funds shall be used for maintenance of the biometric verification system (digital finger print machine), to insure inmates can be identified and tracked within the local system.

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 2009'47 be adopted. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7117 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **WASTEWATER UPDATE**

City Manager LeCerf, Dir., Public Works Decker, and a representative of People Services met with Gary Lee, Universal Asset Management, to discuss the wastewater improvement options. Mr. Lee plans to visit with the council to discuss these options in meeting the Missouri Department of Natural Resource's (MDNR) requirements, with a timeline. A special meeting may be called.

## **REPORTS**

### **I. City Clerk**

- An application was received from James Cox, to be considered as a Northwest Missouri Regional Airport board member. According to Mr. Cox's application, his background includes a lifetime of aviation experience.

Thereupon, motion was made by Councilwoman Cummings, seconded by Councilman Wake, that Mr. James Cox be appointed to the airport board for a three (3) year term. Upon roll being called the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

- It was announced that on Thursday, May 28, 2009, a district MML Legislative Wrap-up meeting will be held in Grant City, Missouri, with the social hour beginning at 6:00 p.m., dinner served at 7:00 p.m. Councilwomen Coutts and Cummings indicated that they would attend. Other members will check their schedules and respond, by May 22.

**II. City Manager**

- Northwest Missouri State University’s television station, channel 8, requested the opportunity to broadcast City Council meetings live. The general conscience of the council was to decline the request.
- The city will explore the opportunity of creating public art.

**III. City Council**

- A video, dealing with feral cats, was made available to council and staff. The animal ordinance is being reviewed
- The stop light at South Avenue and South Main Street is currently being explored.
- Consideration will be taken to meet with federal representatives by visiting Washington DC or via video.

**EXECUTIVE SESSION**

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the Council go into executive session. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Patricia Cummings, seconded by Councilman Moss, that the Council come out of executive session. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

**ADJOURNMENT**

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

\_\_\_\_\_  
Chad Jackson, Mayor

ATTESTED:

\_\_\_\_\_  
Sheila Smail, City Clerk