

**Maryville City Council**  
**Regular Meeting**  
**June 8, 2009**

The Council of the City of Maryville, Missouri, met in regular session on Monday, June 8, 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, Shawn Wake 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.

**PUBLIC HEARING – Transfer Station Fees**

The public hearing was not held.

**APPROVAL OF AGENDA**

Mayor Jackson requested any changes needed to the agenda be noted. Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that the agenda be approved as presented. 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.

**PROCLAMATIONS**

Mayor Jackson honored Coach Mike Kuwitzky, by reading and presenting him with a proclamation, for his record setting career as coach of the boy's basketball teams at Maryville High School.

**APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to the minutes presented for the regularly scheduled City Council meeting held May 11, 2009 and executive sessions pertaining to the City Manager's and City Clerk's performance evaluations, Land Acquisition, Mickelson Road Agreement, Midland Environmental Consultants (MEC) – Landfill.

Motion was made by Councilwoman Cummings, seconded by Councilman Moss, that the minutes be approved as presented. Upon the 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.

**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.

## **CHAMBER OF COMMERCE CLASSIC MARATHON**

An application was submitted by the Maryville Chamber of Commerce requesting to host a Marathon, June 13, 2009 on the street of Maryville, beginning at Donaldson West Side Park, at 6:30 a.m. and ending at approximately 1:00 p.m., at the same location. A map was provided depicting the route of the event, as well as the required liability insurance certificate and the signed hold harmless agreement.

Motion was made by Councilman Wake, seconded by Councilwoman Coutts, to approve the requests made by the Chamber of Commerce to hold a marathon on June 13, 2009. 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.

## **BREATHE EASY MARYVILLE**

Citizens representing the Breathe Easy Maryville organization made a request to the Maryville City Council to consider making the City of Maryville a smoke-free community in all work and public places. Teri Harr, spokesperson for the organization, gave a presentation on the effects of second-hand smoke. Following the presentation and discussion, the City Council suggested that an ordinance be drafted and presented to the Council for review and consideration. It was noted that public hearings would be scheduled to receive feedback from others in the community.

## **MARYVILLE OPTIMIST CLUB –KID’S FISHING CONTEST**

The Maryville Optimist Club submitted a request to sponsor the annual Kid’s Fishing Contest at Mozingo Lake, on July 4, 2009, beginning at 8:00 a.m., until approximately 11:00 a.m., along the shores, near the city boat ramp. Prizes will be presented for various classifications. Optimist Members as well as many parents will be present to assist children in the event.

Motion was made by Councilman Moss, seconded by Councilman Wake, to approve the request made by the Maryville Optimist Club to host the annual Kid’s Fishing Contest at Mozingo Lake on July 4, 2009. 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.

## **TREASURER’S REPORT**

The City received a reimbursement from the Missouri Department of Transportation for the Safe Routes to School project, request #5 (\$26,145.04), lease proceeds from Nodaway Valley Bank for the patrol cars financing (\$56,889.00), first quarter 911 tax from Embarq (\$32,493.14), as well as a settlement for the landfill (\$350,000.00).

Non-reoccurring payments for the month of May 2009 included payment of three (3) patrol cars from Don Brown Chevrolet (\$56,901.00), request #1 for the Mozingo golf cart path project (\$76,518.16), Olsson Associates for engineering of 16<sup>th</sup> Street project and elevated storage tank designs (\$49,409.01), and pay request #1 for Mozingo Trails to Loch Sand and Construction Company (\$16,068.60).

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

#### **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilwoman Cummings seconded by Councilman Wake, that the payment vendor schedule be approved as presented. Upon the 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.

#### **ANNEXATION OF PROPERTY LOCATED AT 24592 HWY 71 NORTH, BY IRENE FOSTER**

The City Clerk presented a bill, being Bill No. 2009'49 for an Ordinance entitled:

##### **An Ordinance Annexing Certain Territory, Located at 24592 Business Highway 71, North, Owned by Irene Foster**

Mrs. Irene Foster, owner of the property located at 24592 Highway 71 North, requesting acceptance by the Maryville City Council of a voluntary petition of annexation of said property, into the City of Maryville, on April 13, 2009. A required public hearing was held on May 11, 2009, being advertised in the Maryville Daily Forum. The Council was presented with an ordinance to consider annexation of said property. A report was given stating that all requirements had been met and that no objections were received in regard to the requested annexation.

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 2009'49 be adopted thereby annexing property located at 24592 Business Highway 71, North into the city limits. 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. 7118 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. Said property was thus renumbered to coincide with numbers within the city limits of Maryville, being 1819 North Main Street.

#### **TRAFFIC LIGHT SYSTEM AT SOUTH MAIN AND SOUTH AVENUE**

The City Clerk presented a bill, being Bill No. 2009'49 for Ordinance entitled:

##### **An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Brown Traffic Products, for the Purpose of Purchasing a Radio**

**Frequency Traffic Light System for use at the Intersection of South Avenue and South Main Street, Maryville Missouri**

The intersection of South Avenue and South Main Street has been monitored in recent months to evaluate the congestion of traffic on East South Avenue turning south onto South Main Street. Public Works Director Greg Decker researched products available to better control the traffic flow at this location. Brown Traffic Products, Davenport Iowa, proposed a radio frequency system, also known as a puck system, where sensors are installed in the pavement recognizing traffic in the various positions of the intersection and changing the lights to provide better traffic flow. This system was proposed at \$8,553.00.

Comparably, Traffic Control Corporation proposed a camera system, similar to the one used on the South end of town at the by-pass, which visually detects traffic and turns the signal color, providing for better traffic flow at the cost of \$17,500.

City staff recommended that the purchase of the radio frequency system be purchased through Brown Traffic Products, for \$8,553.00.

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 Councilman Wake, that Council Bill No 2009'49 be approved, allowing the purchase and installation of the radio frequency system from Brown Traffic Products. 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. 7119 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The correlating contract was Contract No. 2009-24.

**REPEAL/ADOPT NEW, SECTION 410.050 (MAJOR AND MINOR SUBDIVISIONS)**

The City Clerk presented a bill, being Bill No. 2009'50 for an Ordinance entitled:

**An Ordinance to Repeal Section 410.050: Definitions, of Title IV. Zoning, Chapter 410: Subdivision Regulations, of the Maryville Municipal Codes, and to Adopt a New Section 410.050: Definitions, Pertaining to the Same Subject**

City Staff recommended to the Council to modify the existing definitions associated with a major subdivision and a minor subdivision, due to instances when a lot is split into more than two lots but has no

significant changes to the final usage of the property. Presently, in such case, the subdivision would be considered major and be required to follow guidelines which may not be practical.

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 Councilman Wake, that Council Bill No 2009'50 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. 7120 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **INTERSECTION AT FIRST STREET AND MAIN STREET**

At the intersection of First Street and Main Street, on the southwest corner, a pole is positioned in the area that an Americans Disability Act (ADA) ramp to the sidewalk is planned to be constructed. City Manager LeCerc met with Adam Watson, Missouri Department of Transportation, to discuss options that would allow them to meet ADA requirements. The pole could be removed; or install four metal poles, eliminating span wires and leaving signal wires. As a more permanent solution, it was suggested that two (2) metal poles could be installed with duo arm masts; or four (4) metal poles with four arm masts; or installing a round-about. MODoT will provide costs for the various options.

### **REPORTS**

#### **I. City Clerk**

- The Maryville Public Library Board recommended to the City Council to reappoint Julie Filips, Larry Anderson and Delbert Biehle to the board for another three (3) year term.
- The Maryville Housing Authority Board recommended to the City Council to reappoint Loretta Kissinger to the board for another four (4) year term.

Thereupon, motion was made by Councilwoman Cummings, seconded by Councilman Wake, that Julie Filips, Larry Anderson and Delbert Biehle be reappointed to the Maryville Public Library board for another three (3) year term and that Loretta Kissinger be reappointed to the Maryville Housing Authority board for another four (4) 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.

#### **II. City Manager**

- There has been a \$850 change to the proposed Robertson Crist Park drainage project.

- A timeline graph was provided by the City Manager regarding the budget sessions with the City Council Members for the 2009-2010 fiscal budget year as follows: July 27, 2009 at 5:00 p.m.- Mazingo Lake and Maryville Park and Recreation; July 29, 2009 at 5:00 p.m. – Solid Waste Fund; August 10, 2009 at 5:00 p.m. – Water/Sewer Funds; and tentatively August 31, 2009 at 5:00 p.m. – General Fund.
- A meeting was held to help the local trash haulers to gain a better understanding and to discuss the situation the City is confronted with regarding the transfer station financial issues.
- Drawings were provided depicting the various options of straightening of South Depot Street during the hard surfacing process. City Manager LeCerf recommended Exhibit #2. There will be a sidewalk placed on the west side, twenty-eight foot back to back curbing and no on street parking.
- Water storage tanks design preference will be discussed in the near future, with three choices available.

### **III. City Council**

- A meeting to discuss the animal ordinances scheduled for June 11, 2009, will be postponed until June 23, 2009 or to be determined sometime that week.

### **PRESENTATION OF WASTEWATER TREATMENT SYSTEM**

Mr. Gary Lee of Universal Asset Management presented to City Council Members his solution to meeting the new requirements for the wastewater treatment facility, required by the Missouri Department of Natural Resources (MDNR), by March 2012. Mr. Lee proposed the use of a method of Moving Bed Biofilm Reactor (MBBR). He stated that this process was a tried and true method which would work and referenced Johnstown, Colorado, in that it has a similar setup and that the climate is similar to Maryville. Climate is a determining factor in meeting permit requirements. Mr. Lee also proposed a turbine type system to generate some electricity.

### **EXECUTIVE SESSION**

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

City Council met in closed session to discuss 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.

Motion was made by Councilwoman 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.

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Chad Jackson, Mayor

ATTESTED:

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Sheila Smail, City Clerk